



Rep. Carol Ammons

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10100HB1115ham001

LRB101 03655 SLF 57523 a

1 AMENDMENT TO HOUSE BILL 1115

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1115 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-8A-3 as follows:

6 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

7 Sec. 5-8A-3. Application.

8 (a) Except as provided in subsection (d), a person charged  
9 with or convicted of an excluded offense may not be placed in  
10 an electronic monitoring or home detention program, except for  
11 bond pending trial or appeal or while on ~~parole~~, aftercare  
12 release, ~~or mandatory supervised release~~. Electronic  
13 monitoring may not be used for persons on mandatory supervised  
14 release or parole except as provided in Sections 5-8A-6 and  
15 5-8A-7.

16 (b) A person serving a sentence for a conviction of a Class

1 1 felony, other than an excluded offense, may be placed in an  
2 electronic monitoring or home detention program for a period  
3 not to exceed the last 90 days of incarceration.

4 (c) A person serving a sentence for a conviction of a Class  
5 X felony, other than an excluded offense, may be placed in an  
6 electronic monitoring or home detention program for a period  
7 not to exceed the last 90 days of incarceration, provided that  
8 the person was sentenced on or after August 11, 1993 (the  
9 effective date of Public Act 88-311) and provided that the  
10 court has not prohibited the program for the person in the  
11 sentencing order.

12 (d) A person serving a sentence for conviction of an  
13 offense other than for predatory criminal sexual assault of a  
14 child, aggravated criminal sexual assault, criminal sexual  
15 assault, aggravated criminal sexual abuse, or felony criminal  
16 sexual abuse, may be placed in an electronic monitoring or home  
17 detention program for a period not to exceed the last 12 months  
18 of incarceration, provided that (i) the person is 55 years of  
19 age or older; (ii) the person is serving a determinate  
20 sentence; (iii) the person has served at least 25% of the  
21 sentenced prison term; and (iv) placement in an electronic  
22 monitoring or home detention program is approved by the  
23 Prisoner Review Board or the Department of Juvenile Justice.

24 (e) A person serving a sentence for conviction of a Class  
25 2, 3, or 4 felony offense which is not an excluded offense may  
26 be placed in an electronic monitoring or home detention program

1 pursuant to Department administrative directives. These  
2 directives shall encourage inmates to apply for electronic  
3 detention to incentivize positive behavior and program  
4 participation prior to and following their return to the  
5 community, consistent with Section 5-8A-4.2 of this Code. These  
6 directives shall not prohibit application solely for prior  
7 mandatory supervised release violation history, outstanding  
8 municipal warrants, current security classification, and prior  
9 criminal history, though these factors may be considered when  
10 reviewing individual applications in conjunction with  
11 additional factors, such as the applicant's institution  
12 behavior, program participation, and reentry plan.

13 (f) Applications for electronic monitoring or home  
14 detention may include the following:

15 (1) pretrial or pre-adjudicatory detention;

16 (2) probation;

17 (3) conditional discharge;

18 (4) periodic imprisonment;

19 (5) ~~parole, aftercare release, or mandatory supervised~~  
20 ~~release;~~

21 (5.5) parole or mandatory supervised release, only as  
22 provided in Section 5-8A-6 or 5-8A-7;

23 (6) work release;

24 (7) furlough; or

25 (8) post-trial incarceration.

26 (g) A person convicted of an offense described in clause

1 (4) or (5) of subsection (d) of Section 5-8-1 of this Code  
2 shall be placed in an electronic monitoring or home detention  
3 program for at least the first 2 years of the person's  
4 mandatory supervised release term.

5 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;  
6 100-201, eff. 8-18-17; 100-431, eff. 8-25-17; 100-575, eff.  
7 1-8-18.)".