

AN ACT concerning criminal law.

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-8-1.1 as follows:

(730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

Sec. 5-8-1.1. Impact program ~~incarceration~~.

(a) The Department may establish and operate an impact ~~incarceration~~ program for eligible offenders. If the court finds under Section 5-4-1 that an offender sentenced to a term of imprisonment for a felony may meet the eligibility requirements of the Department, the court may in its sentencing order approve the offender for placement in the impact ~~incarceration~~ program conditioned upon his acceptance in the program by the Department. Notwithstanding the sentencing provisions of this Code, the sentencing order also shall provide that if the Department accepts the offender in the program and determines that the offender has successfully completed the impact ~~incarceration~~ program, the sentence shall be reduced to time considered served upon certification to the court by the Department that the offender has successfully completed the program. In the event the offender is not accepted for placement in the impact ~~incarceration~~ program or

the offender does not successfully complete the program, his term of imprisonment shall be as set forth by the court in its sentencing order.

(b) In order to be eligible to participate in the impact ~~incarceration~~ program, the committed person shall meet all of the following requirements:

(1) The person must be not less than 17 years of age nor more than 35 years of age.

(2) The person has not previously participated in an ~~the~~ impact ~~incarceration~~ program and has not previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

(3) The person has not been convicted of a Class X felony, first or second degree murder, armed violence, aggravated kidnapping, criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, forcible detention, residential arson, place of worship arson, or arson and has not been convicted previously of any of those offenses.

(4) The person has been sentenced to a term of imprisonment of 8 years or less.

(5) The person must be physically able to participate in ~~strenuous~~ physical activities ~~or labor~~.

(6) The person must not have any mental disorder or disability that would prevent participation in the impact ~~incarceration~~ program.

(7) The person has consented in writing to participation in the impact ~~incarceration~~ program and to the terms and conditions thereof.

(8) The person was recommended and approved for placement in the impact ~~incarceration~~ program in the court's sentencing order.

The Department may ~~also~~ consider, among other matters, whether the committed person has any outstanding detainers or warrants, whether the committed person has a history of escaping or absconding, whether participation in the impact ~~incarceration~~ program may pose a risk to the safety or security of any person and whether space is available.

(c) The impact ~~incarceration~~ program shall include, among other matters, community service activities, cognitive behavioral programming, life skills, reentry planning, ~~mandatory physical training and labor, military formation and drills, regimented activities, uniformity of dress and appearance,~~ education and counseling, including drug counseling where appropriate.

(d) Privileges including visitation, commissary, receipt and retention of property and publications and access to television, radio and a library may be suspended or restricted, notwithstanding provisions to the contrary in this Code.

(e) Committed persons participating in the impact ~~incarceration~~ program shall adhere to all Department rules and

all requirements of the program. Committed persons shall be informed of rules of behavior and conduct. Disciplinary procedures required by this Code or by Department rule are not applicable except in those instances in which the Department seeks to revoke good time.

(f) Participation in the impact ~~incarceration~~ program shall be for a period of one year to eighteen months ~~120 to 180 days~~. The period of time a committed person shall serve in the impact ~~incarceration~~ program shall not be reduced by the accumulation of good time.

(g) The committed person shall serve a term of mandatory supervised release as set forth in subsection (d) of Section 5-8-1.

(h) A committed person may be removed from the program for a violation of the terms or conditions of the program or in the event he is for any reason unable to participate. The Department shall promulgate rules and regulations governing conduct which could result in removal from the program, extend the period of time a committed person must serve in the program, or in a determination that the committed person has not successfully completed the program. A committed person shall not have the time required to successfully complete the program extended beyond the maximum 18 month period of participation identified in paragraph (f). Committed persons shall have access to such rules, which shall provide that a committed person shall receive notice and have the opportunity

to appear before and address one or more hearing officers. A committed person may be transferred to any of the Department's facilities prior to the hearing.

(i) The Department may terminate the impact ~~incarceration~~ program at any time.

(j) The Department shall report to the Governor and the General Assembly on or before September 30th of each year on the impact ~~incarceration~~ program, including the composition of the program by the offenders, by county of commitment, sentence, age, offense and race.

(k) The Department of Corrections shall consider the affirmative action plan approved by the Department of Human Rights in hiring staff at the impact ~~incarceration~~ facilities.

(l) The Department of Corrections shall advocate for the impact program. The Department may identify candidates for participation in the program that were not previously recommended and formally submit the names to the State's Attorney of the committing county.

(Source: P.A. 97-800, eff. 7-13-12.)