

1 AN ACT concerning corrections.

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

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.

13 (b) A person serving a sentence for a conviction of a Class  
14 1 felony, other than an excluded offense, may be placed in an  
15 electronic monitoring or home detention program for a period  
16 not to exceed the last 90 days of incarceration.

17 (c) A person serving a sentence for a conviction of a Class  
18 X felony, other than an excluded offense, may be placed in an  
19 electronic monitoring or home detention program for a period  
20 not to exceed the last 90 days of incarceration, provided that  
21 the person was sentenced on or after August 11, 1993 (the  
22 effective date of Public Act 88-311) and provided that the  
23 court has not prohibited the program for the person in the

1 sentencing order.

2 (d) A person serving a sentence for conviction of an  
3 offense other than for predatory criminal sexual assault of a  
4 child, aggravated criminal sexual assault, criminal sexual  
5 assault, aggravated criminal sexual abuse, or felony criminal  
6 sexual abuse, may be placed in an electronic monitoring or home  
7 detention program for a period not to exceed the last 12 months  
8 of incarceration, provided that (i) the person is 55 years of  
9 age or older; (ii) the person is serving a determinate  
10 sentence; (iii) the person has served at least 25% of the  
11 sentenced prison term; and (iv) placement in an electronic  
12 monitoring or home detention program is approved by the  
13 Prisoner Review Board or the Department of Juvenile Justice.

14 (e) A person serving a sentence for conviction of a Class  
15 2, 3, or 4 felony offense which is not an excluded offense may  
16 be placed in an electronic monitoring or home detention program  
17 pursuant to Department administrative directives. These  
18 directives shall encourage inmates to apply for electronic  
19 detention to incentivize positive behavior and program  
20 participation prior to and following their return to the  
21 community, consistent with Section 5-8A-4.2 of this Code. These  
22 directives shall not prohibit application solely for prior  
23 mandatory supervised release violation history, outstanding  
24 municipal warrants, current security classification, and prior  
25 criminal history, though these factors may be considered when  
26 reviewing individual applications in conjunction with

1 additional factors, such as the applicant's institution  
2 behavior, program participation, and reentry plan.

3 (f) Applications for electronic monitoring or home  
4 detention may include the following:

5 (1) pretrial or pre-adjudicatory detention;

6 (2) probation;

7 (3) conditional discharge;

8 (4) periodic imprisonment;

9 (5) ~~parole, aftercare release, or mandatory supervised~~  
10 ~~release;~~

11 (5.5) parole or mandatory supervised release, but only  
12 for individuals who:

13 (i) are subject to mandatory electronic monitoring  
14 by Section 5-8A-6 or 5-8A-7;

15 (ii) were convicted for an offense before January  
16 1, 2007 that would have otherwise qualified the accused  
17 as a sexual predator under the Sex Offender  
18 Registration Act, but only if expressly ordered by the  
19 Prisoner Review Board;

20 (iii) were convicted for an offense, committed  
21 before August 11, 2009, of criminal sexual assault,  
22 aggravated criminal sexual assault, predatory criminal  
23 sexual assault of a child, criminal sexual abuse,  
24 aggravated criminal sexual abuse, or ritualized abuse  
25 of a child when the victim was under 18 years of age at  
26 the time of the commission of the offense and the

1 defendant used force or the threat of force in the  
2 commission of the offense, but only if expressly  
3 ordered by the Prisoner Review Board; or

4 (iv) are ordered to be placed on electronic  
5 monitoring as part of a graduated sanctions program  
6 when all other less restrictive alternative sanctions  
7 have been exhausted. Individuals placed on electronic  
8 monitoring as part of a graduated sanctions program  
9 shall be electronically monitored for no more than 60  
10 days;

11 (6) work release;

12 (7) furlough; or

13 (8) post-trial incarceration.

14 (f-5) Individuals subject to electronic monitoring under  
15 subparagraph (iii) of paragraph (5.5) of subsection (f) shall  
16 wear an approved electronic monitoring device as defined in  
17 Section 5-8A-2 that has Global Positioning System (GPS)  
18 capability for the duration of the person's parole, mandatory  
19 supervised release term, or extended mandatory supervised  
20 release term. Individuals subject to electronic monitoring  
21 under subparagraph (ii) or (iv) of paragraph (5.5) of  
22 subsection (f) shall wear an approved electronic monitoring  
23 device as defined in section 5-8A-2.

24 (g) A person convicted of an offense described in clause  
25 (4) or (5) of subsection (d) of Section 5-8-1 of this Code  
26 shall be placed in an electronic monitoring or home detention

1 program for at least the first 2 years of the person's  
2 mandatory supervised release term.

3 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;  
4 100-201, eff. 8-18-17; 100-431, eff. 8-25-17; 100-575, eff.  
5 1-8-18.)