



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5257

Introduced 2/9/2024, by Rep. Hoan Huynh

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-4-1

from Ch. 38, par. 1003-4-1

Amends the Unified Code of Corrections. Deletes provision that the Department of Central Management Services shall contract with the qualified vendor who proposes the lowest per minute rate not exceeding 7 cents per minute for debit, prepaid, collect calls and who does not bill to any party any tax, service charge, or additional fee exceeding the per minute rate, including, but not limited to, any per call surcharge, account set up fee, bill statement fee, monthly account maintenance charge, or refund fee as established by the Federal Communications Commission Order for state prisons in the Matter of Rates for Interstate Inmate Calling Services, Second Report and Order, WC Docket 12-375, FCC 15-136 (adopted Oct. 22, 2015). Provides that the Department of Central Management Services shall contract with a qualified vendor for telephone services in which the cost of the service is not based on the number of telephone calls made. Provides that a committed person is entitled to make free telephone calls from the correctional institution or facility. Provides that neither the Department of Corrections nor its agents may adopt rules that charge a committed person per telephone call made. Provides that the Department of Corrections shall adopt rules determining the length of each call made by a committed person, how many times each day a committed person may make telephone calls, and may prohibit calls for illegal purposes.

LRB103 38626 RLC 68763 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 Unified Code of Corrections is amended by
5 changing Section 3-4-1 as follows:

6 (730 ILCS 5/3-4-1) (from Ch. 38, par. 1003-4-1)

7 Sec. 3-4-1. Gifts and Grants; Special Trusts Funds;
8 Department of Corrections Reimbursement and Education Fund.

9 (a) The Department may accept, receive and use, for and in
10 behalf of the State, any moneys, goods or services given for
11 general purposes of this Code by the federal government or
12 from any other source, public or private, including
13 collections from inmates, reimbursement of payments under the
14 Workers' Compensation Act, and commissions from inmate collect
15 call telephone systems under an agreement with the Department
16 of Central Management Services. For these purposes the
17 Department may comply with such conditions and enter into such
18 agreements upon such covenants, terms, and conditions as the
19 Department may deem necessary or desirable, if the agreement
20 is not in conflict with State law.

21 (a-5) The Department of Central Management Services shall
22 contract with a qualified vendor for telephone services in
23 which the cost of the service is not based on the number of

1 telephone calls made. A committed person is entitled to make
2 free telephone calls from the correctional institution or
3 facility. Neither the Department of Corrections nor its agents
4 may adopt rules that charge a committed person per telephone
5 call made. The Department of Corrections shall adopt rules
6 determining the length of each call made by a committed
7 person, how many times each day a committed person may make
8 telephone calls, and may prohibit calls for illegal purposes.

9 ~~Beginning January 1, 2018, the Department of Central~~
10 ~~Management Services shall contract with the qualified vendor~~
11 ~~who proposes the lowest per minute rate not exceeding 7 cents~~
12 ~~per minute for debit, prepaid, collect calls and who does not~~
13 ~~bill to any party any tax, service charge, or additional fee~~
14 ~~exceeding the per minute rate, including, but not limited to,~~
15 ~~any per call surcharge, account set up fee, bill statement~~
16 ~~fee, monthly account maintenance charge, or refund fee as~~
17 ~~established by the Federal Communications Commission Order for~~
18 ~~state prisons in the Matter of Rates for Interstate Inmate~~
19 ~~Calling Services, Second Report and Order, WC Docket 12-375,~~
20 ~~FCC 15-136 (adopted Oct. 22, 2015). Telephone services made~~
21 ~~available through a prepaid or collect call system shall~~
22 ~~include international calls; those calls shall be made~~
23 ~~available at reasonable rates subject to Federal~~
24 ~~Communications Commission rules and regulations, but not to~~
25 ~~exceed 23 cents per minute. Public Act 99-878 applies to any~~
26 ~~new or renewal contract for inmate calling services.~~

1 (b) On July 1, 1998, the Department of Corrections
2 Reimbursement Fund and the Department of Corrections Education
3 Fund shall be combined into a single fund to be known as the
4 Department of Corrections Reimbursement and Education Fund,
5 which is hereby created as a special fund in the State
6 Treasury. The moneys deposited into the Department of
7 Corrections Reimbursement and Education Fund shall be
8 appropriated to the Department of Corrections for the expenses
9 of the Department.

10 The following shall be deposited into the Department of
11 Corrections Reimbursement and Education Fund:

12 (i) Moneys received or recovered by the Department of
13 Corrections as reimbursement for expenses incurred for the
14 incarceration of committed persons.

15 (ii) Moneys received or recovered by the Department as
16 reimbursement of payments made under the Workers'
17 Compensation Act.

18 (iii) Moneys received by the Department as commissions
19 from inmate collect call telephone systems.

20 (iv) Moneys received or recovered by the Department as
21 reimbursement for expenses incurred by the employment of
22 persons referred to the Department as participants in the
23 federal Job Training Partnership Act programs.

24 (v) Federal moneys, including reimbursement and
25 advances for services rendered or to be rendered and
26 moneys for other than educational purposes, under grant or

1 contract.

2 (vi) Moneys identified for deposit into the Fund under
3 Section 13-44.4 of the School Code.

4 (vii) Moneys in the Department of Corrections
5 Reimbursement Fund and the Department of Corrections
6 Education Fund at the close of business on June 30, 1998.

7 (c) The Department of Juvenile Justice Reimbursement and
8 Education Fund is created as a special fund in the State
9 Treasury. The moneys deposited into the Department of Juvenile
10 Justice Reimbursement Fund and Education shall be appropriated
11 to the Department of Juvenile Justice for the expenses of the
12 Department. The following moneys shall be deposited into the
13 Department of Juvenile Justice Reimbursement Fund and
14 Education Fund:

15 (i) received or recovered by the Department of
16 Juvenile Justice as reimbursement for expenses incurred
17 for the incarceration of committed youth;

18 (ii) received or recovered by the Department as
19 reimbursement of payments made under the Workers'
20 Compensation Act;

21 (iii) received or recovered by the Department as
22 reimbursement for expenses incurred by the employment of
23 persons referred to the Department as participants in the
24 federal Job Training Partnership Act programs;

25 (iv) federal moneys, including reimbursement and
26 advances for services rendered or to be rendered and

1 moneys for other than educational purposes, under grant or
2 contract; and

3 (v) moneys identified for deposit into the Fund under
4 Section 13-44.6 of the School Code.

5 (Source: P.A. 102-350, eff. 8-13-21; 102-699, eff. 7-1-22.)