



Rep. Frank J. Mautino

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1 AMENDMENT TO HOUSE BILL 1994

2 AMENDMENT NO. _____. Amend House Bill 1994 by replacing
3 the title with the following:

4 "AN ACT concerning Illinois Correctional Industries."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Procurement Code is amended by
8 changing Section 45-30 as follows:

9 (30 ILCS 500/45-30)

10 Sec. 45-30. Illinois Correctional industries.
11 Notwithstanding anything to the contrary in other law, the
12 chief procurement officer of the Department of Central
13 Management Services shall, in consultation with Illinois
14 Correctional Industries ~~the Department of Corrections,~~
15 determine for all State agencies which articles, materials,

1 industry related services, food stuffs, and finished goods
2 ~~supplies~~ that are produced or manufactured by inmate workers
3 employed in Illinois Correctional Industries programs ~~persons~~
4 ~~confined in institutions and facilities of the Department of~~
5 ~~Corrections~~ shall be purchased from Illinois Correctional
6 Industries ~~given preference by purchasing agencies procuring~~
7 ~~those items~~. The chief procurement officer of Central
8 Management Services shall develop and distribute to the various
9 purchasing and using agencies a listing of all Illinois
10 Correctional Industries products and procedures for
11 implementing this Section.

12 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

13 Section 10. The Unified Code of Corrections is amended by
14 changing Sections 3-12-2, 3-12-3a, 3-12-6, and 3-12-7 as
15 follows:

16 (730 ILCS 5/3-12-2) (from Ch. 38, par. 1003-12-2)

17 Sec. 3-12-2. Types of employment.

18 (a) The Department shall provide inmate workers for
19 Illinois Correctional Industries to work in programs
20 established to ~~The Department may establish, maintain,~~ train
21 and employ committed persons in ~~industries for~~ the production
22 of food products and finished goods and any articles, materials
23 or supplies for resale to State agencies and authorized
24 purchasers. It may also employ committed persons on public

1 works, buildings and property, the conservation of natural
2 resources of the State, anti-pollution or environmental
3 control projects, or for other public purposes, for the
4 maintenance of the Department's buildings and properties and
5 for the production of food or other necessities for its
6 programs. The Department may establish, maintain and employ
7 committed persons in the production of vehicle registration
8 plates. A committed person's labor shall not be sold,
9 contracted or hired out by the Department except under this
10 Article and under Section 3-9-2.

11 (b) Works of art, literature, handicraft or other items
12 produced by committed persons as an avocation and not as a
13 product of a work program of the Department may be sold to the
14 public under rules and regulations established by the
15 Department. The cost of selling such products may be deducted
16 from the proceeds, and the balance shall be credited to the
17 person's account under Section 3-4-3. The Department shall
18 notify the Attorney General of the existence of any proceeds
19 which it believes should be applied towards a satisfaction, in
20 whole or in part, of the person's incarceration costs.

21 (Source: P.A. 94-1017, eff. 7-7-06.)

22 (730 ILCS 5/3-12-3a) (from Ch. 38, par. 1003-12-3a)

23 Sec. 3-12-3a. (a) Contracts, ~~leases~~ and business
24 agreements. The Department shall ~~may~~ enter into a contract,
25 ~~lease~~ or ~~any~~ other type of business agreement with Illinois

1 ~~Correctional Industries, not to exceed 20 years, with any~~
2 ~~private corporation, partnership, person or other business~~
3 ~~entity~~ for the purpose of utilizing committed persons in the
4 manufacture of food products, finished goods or wares of
5 Illinois Correctional Industries., ~~in the provision of~~
6 ~~services or for any other business or commercial enterprise~~
7 ~~deemed by the Department to be consistent with proper training~~
8 ~~and rehabilitation of committed persons.~~

9 Illinois Correctional Industries' spending authority shall
10 be separate and apart from the Department's budget and
11 appropriations. Control of Illinois Correctional Industries
12 accounting processes and budget requests to the General
13 Assembly, other budgetary processes, audits by the Office of
14 the Auditor General, and computer processes shall be returned
15 to Illinois Correctional Industries.

16 (b) The Department shall be permitted to construct
17 buildings on State property for the purposes identified in
18 subsection (a) and to lease for a period not to exceed 20 years
19 any building or portion thereof on State property for the
20 purposes identified in subsection (a).

21 (c) Any contract, ~~lease~~ or other business agreement
22 referenced in subsection (a), shall include a provision
23 requiring that all committed persons assigned receive in
24 connection with their assignment such vocational training
25 and/or apprenticeship programs as the Department deems
26 appropriate.

1 (d) Committed persons assigned in accordance with this
2 Section shall be compensated in accordance with the provisions
3 of Section 3-12-5.

4 (Source: P.A. 86-450.)

5 (730 ILCS 5/3-12-6) (from Ch. 38, par. 1003-12-6)

6 Sec. 3-12-6. Programs. ~~Industrial Production; Location;~~
7 ~~Assignment.~~ Illinois Correctional Industries shall establish
8 commercial, business, and manufacturing programs on behalf of
9 the State of Illinois for the sale of finished goods and
10 processed food and beverages to the State, its political units,
11 its agencies, and public institutions. Illinois Correctional
12 Industries shall establish, operate, and maintain
13 manufacturing and food and beverage production in Department of
14 Corrections facilities and provide food for the Department of
15 Corrections institutions and for the mental health and
16 developmental disabilities institutions of the Department of
17 Human Services and the institutions of the Department of
18 Veterans' Affairs for consumption in those agencies'
19 institutions.

20 Illinois Correctional Industries shall be administered by
21 a chief executive officer. The Chief Executive Officer shall
22 report to the Director of the Department. The Director may not
23 delegate direction of Illinois Correctional Industries
24 management and fiscal processes formally or indirectly to any
25 other division, component, or contractor of the Department. The

1 chief executive officer shall be responsible for all persons
2 assigned to the institution or facility that are employed in
3 Industries programs. The chief executive officer shall
4 administer the commercial and business programs for inmate
5 workers in the custody of the Department of Corrections.

6 The chief executive officer shall have such assistants as
7 are required for sales staff, manufacturing, budget, fiscal,
8 accounting, computer, human services, and personnel as
9 necessary to run its commercial and business programs.

10 ~~The Department shall establish or cause to be established~~
11 ~~industrial production at its institutions and facilities to~~
12 ~~secure the most practical and efficient use of labor. The~~
13 ~~office for coordinating such industrial production~~ Illinois
14 Correctional Industries shall be located in Springfield. The
15 chief executive officer of Illinois Correctional Industries ~~It~~
16 shall assign ~~its~~ personnel to direct the production of goods
17 and shall employ committed persons assigned by the chief
18 administrative officer. The Department of Corrections may ~~also~~
19 direct ~~such~~ vocational programs that the Department deems
20 necessary for the rehabilitation of inmates. Such programs
21 shall not compete, interfere, or be in conflict with the
22 missions and programs of Illinois Correctional Industries ~~as~~
23 ~~the institution or facility may require as a part of the~~
24 ~~employment program.~~

25 (Source: P.A. 80-728.)

1 (730 ILCS 5/3-12-7) (from Ch. 38, par. 1003-12-7)

2 Sec. 3-12-7. Purchasers; Allocation.

3 (a) The State, its political units, its agencies and public
4 institutions shall purchase from Illinois Correctional
5 Industries ~~the Department~~ all manufactured goods, articles,
6 materials, industry related services, food stuffs, and
7 supplies required by them which are produced or manufactured by
8 persons confined in institutions and facilities of the
9 Department that are employed in Illinois Correctional
10 Industries programs. The Secretary of State may purchase from
11 the Department vehicle registration plates produced by persons
12 confined in institutions and facilities of the Department. The
13 Secretary shall determine reasonable specifications and prices
14 of such vehicle registration plates as agreed upon with the
15 Department. Not-for-profit corporations chartered in Illinois
16 or other States may purchase such goods and services. Units of
17 the Federal government and units of government in other States
18 may also purchase such goods and services. All entities which
19 contract with the State, its political units, its agencies, its
20 public institutions or not-for-profit corporations chartered
21 in Illinois, may purchase goods or services from the Department
22 which are used in the performance of such contracts. Nothing
23 shall prohibit the Department from bidding on portions of a
24 State contract which are subcontracted by the primary
25 contractor. The public may purchase crushed limestone and lime
26 dust for agricultural and horticultural purposes and hardwood.

1 Illinois Correctional Industries ~~The Department~~ may also sell
2 grain from its agricultural operations on the open market. All
3 other articles, materials, industry related services, food
4 stuffs and supplies which are produced or manufactured by
5 persons confined in institutions and facilities of the
6 Department shall be available for sale on the open market.

7 (b) Allocation of goods shall be made in the following
8 manner:

9 (1) first, for needs of the Department of Corrections and
10 the Department of Human Services;

11 (2) second, for the State, its agencies and public
12 institutions;

13 (3) third, for those political subdivisions of the State
14 and their agencies in which the producing institution or
15 facility of the Department is located;

16 (4) fourth, for other political subdivisions of the State
17 and their agencies and public institutions;

18 (5) fifth, for sale on the open market;

19 (6) sixth, for not for profit corporations chartered in
20 Illinois;

21 (7) seventh, for units of government in other states;

22 (8) eighth, for units of the Federal government;

23 (9) ninth, for not-for-profit organizations chartered in
24 other states;

25 (10) tenth, all other permitted purchasers.

26 (c) Exemption from required purchases shall be on

1 certification of Illinois Correctional Industries ~~the~~
2 ~~Department~~ that the items to be purchased ~~requested~~ are not
3 manufactured by Illinois Correctional Industries ~~then~~
4 available.

5 (Source: P.A. 86-450.)

6 (730 ILCS 5/3-12-12 rep.)

7 Section 15. The Unified Code of Corrections is amended by
8 repealing Section 3-12-12."