



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3417

Introduced 2/18/2025, by Rep. Christopher "C.D." Davidsmeyer

SYNOPSIS AS INTRODUCED:

5 ILCS 805/35 new
730 ILCS 5/3-2-2

from Ch. 38, par. 1003-2-2

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall, at the request of the Department of Homeland Security, including, but not limited to, Immigration and Customs Enforcement or a federal immigrant agent: (1) participate, support, or assist in any capacity with an immigration agent's enforcement operations; (2) provide the immigration agent access to an individual in the Department's custody, either in person or by telephone; (3) transfer any individual in the Department's custody into an immigration agent's custody; (4) allow the use of Department facilities or equipment, including any electronic databases, for investigative interviews or other investigative or immigration enforcement purpose; (5) enter into or maintain any agreement regarding direct access to any electronic database or other data-sharing platform maintained by the Department and provide such direct access to the U.S. Immigration and Customs Enforcement Agency; and (6) provide information in response to any immigration agent's inquiry or request for information regarding any individual in the Department's custody including information regarding the individual's release. Amends the Illinois TRUST Act to make conforming changes.

LRB104 10406 RLC 20481 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 Illinois TRUST Act is amended by adding
5 Section 35 as follows:

6 (5 ILCS 805/35 new)

7 Sec. 35. Illinois TRUST Act does not apply to the
8 Department of Corrections. The provisions of this Act do not
9 apply to the Department of Corrections and the Department
10 shall comply with the provisions of subsection (7) of Section
11 3-2-2 of the Unified Code of Corrections.

12 Section 10. The Unified Code of Corrections is amended by
13 changing Section 3-2-2 as follows:

14 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

15 Sec. 3-2-2. Powers and duties of the Department.

16 (1) In addition to the powers, duties, and
17 responsibilities which are otherwise provided by law, the
18 Department shall have the following powers:

19 (a) To accept persons committed to it by the courts of
20 this State for care, custody, treatment, and
21 rehabilitation, and to accept federal prisoners and

1 noncitizens over whom the Office of the Federal Detention
2 Trustee is authorized to exercise the federal detention
3 function for limited purposes and periods of time.

4 (b) To develop and maintain reception and evaluation
5 units for purposes of analyzing the custody and
6 rehabilitation needs of persons committed to it and to
7 assign such persons to institutions and programs under its
8 control or transfer them to other appropriate agencies. In
9 consultation with the Department of Alcoholism and
10 Substance Abuse (now the Department of Human Services),
11 the Department of Corrections shall develop a master plan
12 for the screening and evaluation of persons committed to
13 its custody who have alcohol or drug abuse problems, and
14 for making appropriate treatment available to such
15 persons; the Department shall report to the General
16 Assembly on such plan not later than April 1, 1987. The
17 maintenance and implementation of such plan shall be
18 contingent upon the availability of funds.

19 (b-1) To create and implement, on January 1, 2002, a
20 pilot program to establish the effectiveness of
21 pupillometer technology (the measurement of the pupil's
22 reaction to light) as an alternative to a urine test for
23 purposes of screening and evaluating persons committed to
24 its custody who have alcohol or drug problems. The pilot
25 program shall require the pupillometer technology to be
26 used in at least one Department of Corrections facility.

1 The Director may expand the pilot program to include an
2 additional facility or facilities as he or she deems
3 appropriate. A minimum of 4,000 tests shall be included in
4 the pilot program. The Department must report to the
5 General Assembly on the effectiveness of the program by
6 January 1, 2003.

7 (b-5) To develop, in consultation with the Illinois
8 State Police, a program for tracking and evaluating each
9 inmate from commitment through release for recording his
10 or her gang affiliations, activities, or ranks.

11 (c) To maintain and administer all State correctional
12 institutions and facilities under its control and to
13 establish new ones as needed. Pursuant to its power to
14 establish new institutions and facilities, the Department
15 may, with the written approval of the Governor, authorize
16 the Department of Central Management Services to enter
17 into an agreement of the type described in subsection (d)
18 of Section 405-300 of the Department of Central Management
19 Services Law. The Department shall designate those
20 institutions which shall constitute the State Penitentiary
21 System. The Department of Juvenile Justice shall maintain
22 and administer all State youth centers pursuant to
23 subsection (d) of Section 3-2.5-20.

24 Pursuant to its power to establish new institutions
25 and facilities, the Department may authorize the
26 Department of Central Management Services to accept bids

1 from counties and municipalities for the construction,
2 remodeling, or conversion of a structure to be leased to
3 the Department of Corrections for the purposes of its
4 serving as a correctional institution or facility. Such
5 construction, remodeling, or conversion may be financed
6 with revenue bonds issued pursuant to the Industrial
7 Building Revenue Bond Act by the municipality or county.
8 The lease specified in a bid shall be for a term of not
9 less than the time needed to retire any revenue bonds used
10 to finance the project, but not to exceed 40 years. The
11 lease may grant to the State the option to purchase the
12 structure outright.

13 Upon receipt of the bids, the Department may certify
14 one or more of the bids and shall submit any such bids to
15 the General Assembly for approval. Upon approval of a bid
16 by a constitutional majority of both houses of the General
17 Assembly, pursuant to joint resolution, the Department of
18 Central Management Services may enter into an agreement
19 with the county or municipality pursuant to such bid.

20 (c-5) To build and maintain regional juvenile
21 detention centers and to charge a per diem to the counties
22 as established by the Department to defray the costs of
23 housing each minor in a center. In this subsection (c-5),
24 "juvenile detention center" means a facility to house
25 minors during pendency of trial who have been transferred
26 from proceedings under the Juvenile Court Act of 1987 to

1 prosecutions under the criminal laws of this State in
2 accordance with Section 5-805 of the Juvenile Court Act of
3 1987, whether the transfer was by operation of law or
4 permissive under that Section. The Department shall
5 designate the counties to be served by each regional
6 juvenile detention center.

7 (d) To develop and maintain programs of control,
8 rehabilitation, and employment of committed persons within
9 its institutions.

10 (d-5) To provide a pre-release job preparation program
11 for inmates at Illinois adult correctional centers.

12 (d-10) To provide educational and visitation
13 opportunities to committed persons within its institutions
14 through temporary access to content-controlled tablets
15 that may be provided as a privilege to committed persons
16 to induce or reward compliance.

17 (e) To establish a system of supervision and guidance
18 of committed persons in the community.

19 (f) To establish in cooperation with the Department of
20 Transportation to supply a sufficient number of prisoners
21 for use by the Department of Transportation to clean up
22 the trash and garbage along State, county, township, or
23 municipal highways as designated by the Department of
24 Transportation. The Department of Corrections, at the
25 request of the Department of Transportation, shall furnish
26 such prisoners at least annually for a period to be agreed

1 upon between the Director of Corrections and the Secretary
2 of Transportation. The prisoners used on this program
3 shall be selected by the Director of Corrections on
4 whatever basis he deems proper in consideration of their
5 term, behavior and earned eligibility to participate in
6 such program - where they will be outside of the prison
7 facility but still in the custody of the Department of
8 Corrections. Prisoners convicted of first degree murder,
9 or a Class X felony, or armed violence, or aggravated
10 kidnapping, or criminal sexual assault, aggravated
11 criminal sexual abuse or a subsequent conviction for
12 criminal sexual abuse, or forcible detention, or arson, or
13 a prisoner adjudged a Habitual Criminal shall not be
14 eligible for selection to participate in such program. The
15 prisoners shall remain as prisoners in the custody of the
16 Department of Corrections and such Department shall
17 furnish whatever security is necessary. The Department of
18 Transportation shall furnish trucks and equipment for the
19 highway cleanup program and personnel to supervise and
20 direct the program. Neither the Department of Corrections
21 nor the Department of Transportation shall replace any
22 regular employee with a prisoner.

23 (g) To maintain records of persons committed to it and
24 to establish programs of research, statistics, and
25 planning.

26 (h) To investigate the grievances of any person

1 committed to the Department and to inquire into any
2 alleged misconduct by employees or committed persons; and
3 for these purposes it may issue subpoenas and compel the
4 attendance of witnesses and the production of writings and
5 papers, and may examine under oath any witnesses who may
6 appear before it; to also investigate alleged violations
7 of a parolee's or releasee's conditions of parole or
8 release; and for this purpose it may issue subpoenas and
9 compel the attendance of witnesses and the production of
10 documents only if there is reason to believe that such
11 procedures would provide evidence that such violations
12 have occurred.

13 If any person fails to obey a subpoena issued under
14 this subsection, the Director may apply to any circuit
15 court to secure compliance with the subpoena. The failure
16 to comply with the order of the court issued in response
17 thereto shall be punishable as contempt of court.

18 (i) To appoint and remove the chief administrative
19 officers, and administer programs of training and
20 development of personnel of the Department. Personnel
21 assigned by the Department to be responsible for the
22 custody and control of committed persons or to investigate
23 the alleged misconduct of committed persons or employees
24 or alleged violations of a parolee's or releasee's
25 conditions of parole shall be conservators of the peace
26 for those purposes, and shall have the full power of peace

1 officers outside of the facilities of the Department in
2 the protection, arrest, retaking, and reconfining of
3 committed persons or where the exercise of such power is
4 necessary to the investigation of such misconduct or
5 violations. This subsection shall not apply to persons
6 committed to the Department of Juvenile Justice under the
7 Juvenile Court Act of 1987 on aftercare release.

8 (j) To cooperate with other departments and agencies
9 and with local communities for the development of
10 standards and programs for better correctional services in
11 this State.

12 (k) To administer all moneys and properties of the
13 Department.

14 (l) To report annually to the Governor on the
15 committed persons, institutions, and programs of the
16 Department.

17 (l-5) (Blank).

18 (m) To make all rules and regulations and exercise all
19 powers and duties vested by law in the Department.

20 (n) To establish rules and regulations for
21 administering a system of sentence credits, established in
22 accordance with Section 3-6-3, subject to review by the
23 Prisoner Review Board.

24 (o) To administer the distribution of funds from the
25 State Treasury to reimburse counties where State penal
26 institutions are located for the payment of assistant

1 state's attorneys' salaries under Section 4-2001 of the
2 Counties Code.

3 (p) To exchange information with the Department of
4 Human Services and the Department of Healthcare and Family
5 Services for the purpose of verifying living arrangements
6 and for other purposes directly connected with the
7 administration of this Code and the Illinois Public Aid
8 Code.

9 (q) To establish a diversion program.

10 The program shall provide a structured environment for
11 selected technical parole or mandatory supervised release
12 violators and committed persons who have violated the
13 rules governing their conduct while in work release. This
14 program shall not apply to those persons who have
15 committed a new offense while serving on parole or
16 mandatory supervised release or while committed to work
17 release.

18 Elements of the program shall include, but shall not
19 be limited to, the following:

20 (1) The staff of a diversion facility shall
21 provide supervision in accordance with required
22 objectives set by the facility.

23 (2) Participants shall be required to maintain
24 employment.

25 (3) Each participant shall pay for room and board
26 at the facility on a sliding-scale basis according to

1 the participant's income.

2 (4) Each participant shall:

3 (A) provide restitution to victims in
4 accordance with any court order;

5 (B) provide financial support to his
6 dependents; and

7 (C) make appropriate payments toward any other
8 court-ordered obligations.

9 (5) Each participant shall complete community
10 service in addition to employment.

11 (6) Participants shall take part in such
12 counseling, educational, and other programs as the
13 Department may deem appropriate.

14 (7) Participants shall submit to drug and alcohol
15 screening.

16 (8) The Department shall promulgate rules
17 governing the administration of the program.

18 (r) To enter into intergovernmental cooperation
19 agreements under which persons in the custody of the
20 Department may participate in a county impact
21 incarceration program established under Section 3-6038 or
22 3-15003.5 of the Counties Code.

23 (r-5) (Blank).

24 (r-10) To systematically and routinely identify with
25 respect to each streetgang active within the correctional
26 system: (1) each active gang; (2) every existing

1 inter-gang affiliation or alliance; and (3) the current
2 leaders in each gang. The Department shall promptly
3 segregate leaders from inmates who belong to their gangs
4 and allied gangs. "Segregate" means no physical contact
5 and, to the extent possible under the conditions and space
6 available at the correctional facility, prohibition of
7 visual and sound communication. For the purposes of this
8 paragraph (r-10), "leaders" means persons who:

9 (i) are members of a criminal streetgang;

10 (ii) with respect to other individuals within the
11 streetgang, occupy a position of organizer,
12 supervisor, or other position of management or
13 leadership; and

14 (iii) are actively and personally engaged in
15 directing, ordering, authorizing, or requesting
16 commission of criminal acts by others, which are
17 punishable as a felony, in furtherance of streetgang
18 related activity both within and outside of the
19 Department of Corrections.

20 "Streetgang", "gang", and "streetgang related" have the
21 meanings ascribed to them in Section 10 of the Illinois
22 Streetgang Terrorism Omnibus Prevention Act.

23 (s) To operate a super-maximum security institution,
24 in order to manage and supervise inmates who are
25 disruptive or dangerous and provide for the safety and
26 security of the staff and the other inmates.

1 (t) To monitor any unprivileged conversation or any
2 unprivileged communication, whether in person or by mail,
3 telephone, or other means, between an inmate who, before
4 commitment to the Department, was a member of an organized
5 gang and any other person without the need to show cause or
6 satisfy any other requirement of law before beginning the
7 monitoring, except as constitutionally required. The
8 monitoring may be by video, voice, or other method of
9 recording or by any other means. As used in this
10 subdivision (1)(t), "organized gang" has the meaning
11 ascribed to it in Section 10 of the Illinois Streetgang
12 Terrorism Omnibus Prevention Act.

13 As used in this subdivision (1)(t), "unprivileged
14 conversation" or "unprivileged communication" means a
15 conversation or communication that is not protected by any
16 privilege recognized by law or by decision, rule, or order
17 of the Illinois Supreme Court.

18 (u) To establish a Women's and Children's Pre-release
19 Community Supervision Program for the purpose of providing
20 housing and services to eligible female inmates, as
21 determined by the Department, and their newborn and young
22 children.

23 (u-5) To issue an order, whenever a person committed
24 to the Department absconds or absents himself or herself,
25 without authority to do so, from any facility or program
26 to which he or she is assigned. The order shall be

1 certified by the Director, the Supervisor of the
2 Apprehension Unit, or any person duly designated by the
3 Director, with the seal of the Department affixed. The
4 order shall be directed to all sheriffs, coroners, and
5 police officers, or to any particular person named in the
6 order. Any order issued pursuant to this subdivision
7 (1)(u-5) shall be sufficient warrant for the officer or
8 person named in the order to arrest and deliver the
9 committed person to the proper correctional officials and
10 shall be executed the same as criminal process.

11 (u-6) To appoint a point of contact person who shall
12 receive suggestions, complaints, or other requests to the
13 Department from visitors to Department institutions or
14 facilities and from other members of the public.

15 (v) To do all other acts necessary to carry out the
16 provisions of this Chapter.

17 (2) The Department of Corrections shall by January 1,
18 1998, consider building and operating a correctional facility
19 within 100 miles of a county of over 2,000,000 inhabitants,
20 especially a facility designed to house juvenile participants
21 in the impact incarceration program.

22 (3) When the Department lets bids for contracts for
23 medical services to be provided to persons committed to
24 Department facilities by a health maintenance organization,
25 medical service corporation, or other health care provider,
26 the bid may only be let to a health care provider that has

1 obtained an irrevocable letter of credit or performance bond
2 issued by a company whose bonds have an investment grade or
3 higher rating by a bond rating organization.

4 (4) When the Department lets bids for contracts for food
5 or commissary services to be provided to Department
6 facilities, the bid may only be let to a food or commissary
7 services provider that has obtained an irrevocable letter of
8 credit or performance bond issued by a company whose bonds
9 have an investment grade or higher rating by a bond rating
10 organization.

11 (5) On and after the date 6 months after August 16, 2013
12 (the effective date of Public Act 98-488), as provided in the
13 Executive Order 1 (2012) Implementation Act, all of the
14 powers, duties, rights, and responsibilities related to State
15 healthcare purchasing under this Code that were transferred
16 from the Department of Corrections to the Department of
17 Healthcare and Family Services by Executive Order 3 (2005) are
18 transferred back to the Department of Corrections; however,
19 powers, duties, rights, and responsibilities related to State
20 healthcare purchasing under this Code that were exercised by
21 the Department of Corrections before the effective date of
22 Executive Order 3 (2005) but that pertain to individuals
23 resident in facilities operated by the Department of Juvenile
24 Justice are transferred to the Department of Juvenile Justice.

25 (6) The Department of Corrections shall provide lactation
26 or nursing mothers rooms for personnel of the Department. The

1 rooms shall be provided in each facility of the Department
2 that employs nursing mothers. Each individual lactation room
3 must:

- 4 (i) contain doors that lock;
- 5 (ii) have an "Occupied" sign for each door;
- 6 (iii) contain electrical outlets for plugging in
7 breast pumps;
- 8 (iv) have sufficient lighting and ventilation;
- 9 (v) contain comfortable chairs;
- 10 (vi) contain a countertop or table for all necessary
11 supplies for lactation;
- 12 (vii) contain a wastebasket and chemical cleaners to
13 wash one's hands and to clean the surfaces of the
14 countertop or table;
- 15 (viii) have a functional sink;
- 16 (ix) have a minimum of one refrigerator for storage of
17 the breast milk; and
- 18 (x) receive routine daily maintenance.

19 (7) The Department of Corrections shall, at the request of
20 the Department of Homeland Security, including, but not
21 limited to, Immigration and Customs Enforcement or a federal
22 immigrant agent:

- 23 (i) participate, support, or assist in any capacity
24 with an immigration agent's enforcement operations;
- 25 (ii) provide the immigration agent access to an
26 individual in the Department's custody, either in person

1 or by telephone;

2 (iii) transfer any individual in the Department's
3 custody into an immigration agent's custody;

4 (iv) allow the use of Department facilities or
5 equipment, including any electronic databases, for
6 investigative interviews or other investigative or
7 immigration enforcement purpose;

8 (v) enter into or maintain any agreement regarding
9 direct access to any electronic database or other
10 data-sharing platform maintained by the Department and
11 provide such direct access to the U.S. Immigration and
12 Customs Enforcement Agency; and

13 (vi) provide information in response to any
14 immigration agent's inquiry or request for information
15 regarding any individual in the Department's custody
16 including information regarding the individual's release.

17 (Source: P.A. 102-350, eff. 8-13-21; 102-535, eff. 1-1-22;
18 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1030, eff.
19 5-27-22; 103-834, eff. 1-1-25.)