

## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4224

by Rep. Kimberly Du Buclet

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-12-17 new

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall establish a remote work policy for committed persons in the Department's custody to allow those persons to obtain gainful employment by private, approved employers. Establishes eligibility requirements for the program. Establishes conditions for employers who hire committed persons for remote work. Provides that a committed person may be terminated from the committed person's remote work employment at any time for any reason at the complete discretion of the Director of Corrections or the facility chief administrative officer, or their designees. Provides that all monetary compensation shall be directly deposited by the employer into the committed person's Illinois Department of Corrections account. Provides that the employer must pay the committed person employed remotely the same wage as the committed person's non-committed counterparts that work in the same role, have the same tenure, or as otherwise determined by Department policy. Provides that a committed person may appeal a decision to deny or withdraw approval to search for remote work, apply for remote work, or accept an offer for a remote work position or a decision to terminate them from a remote work position by submitting a written letter to the Deputy Director via the U.S. Postal Service or certified mail. Effective January 1, 2027.

LRB104 16557 RLC 29955 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 adding Section 3-12-17 as follows:

6 (730 ILCS 5/3-12-17 new)

7 Sec. 3-12-17. Committed person; remote work.

8 (a) The Department shall establish a remote work policy  
9 for committed persons in the Department's custody to allow  
10 those persons to obtain gainful employment by private,  
11 approved employers. The remote work policy shall, at a  
12 minimum, conform to the following provisions.

13 (b) To be eligible for remote work, a committed person  
14 must, at a minimum:

15 (1) have received a State of Illinois High School  
16 Diploma or an exemption approved by the Department;

17 (2) have served at least 30 days of the term of  
18 imprisonment in the facility where the committed person  
19 will be working remotely;

20 (3) be a general population resident;

21 (4) completed or is actively participating in  
22 vocational or educational programs;

23 (5) not be found guilty of a disciplinary violation

1 involving the use of a computer or access to the Internet,  
2 or both;

3 (6) not be found guilty of any disciplinary violations  
4 within 90 days of submitting the application and not have  
5 a disciplinary report pending at the time of submitting  
6 the application;

7 (7) be eligible to use a computer and eligible to  
8 access the Internet, in accordance with Department policy,  
9 and be issued a laptop other than a loaner laptop or have  
10 access to a computer designated for remote work by the  
11 Department; and

12 (8) agree to and sign the necessary contracts and  
13 terms of conditions in accordance with Department policy  
14 regarding remote work programs.

15 (c) A committed person is not allowed to work a remote job  
16 if:

17 (1) the committed person's convicted offense, past  
18 convictions, or pending charges involve the use of  
19 computers, including, but not limited to, financial fraud,  
20 pornography using a computer, human trafficking, identity  
21 theft, cybercrime, and terrorism;

22 (2) the committed person is prohibited from accessing  
23 the Internet, prohibited from using an electronic device,  
24 or there is a similar prohibition;

25 (3) the work involves access to information protected  
26 under the federal Health Insurance Portability and

1 Accountability Act;

2 (4) the work involves access to information from the  
3 Illinois Criminal Justice Information Authority;

4 (5) the committed person has a sex offense criminal  
5 conviction and the work involves working for a school or  
6 school district or other employer where the committed  
7 person may have access to information about children; or

8 (6) the committed person does not have the  
9 qualifications required for the position.

10 (d) The chief administrative officer shall designate a  
11 facility community program coordinator, along with staff, to  
12 oversee the facility's remote work program. The facility  
13 community program coordinator shall be responsible for, but  
14 not limited to, the following:

15 (1) serving as the primary liaison to employers who  
16 are participating or interested in participating in the  
17 remote work program and maintaining contact information  
18 for all employers;

19 (2) ensuring that employers are:

20 (A) aware of and compliant with all requirements  
21 of the remote work program;

22 (B) notified when committed persons cannot perform  
23 remote work, such as, but not limited to, when the  
24 facility is in a lockdown, when the committed person  
25 is terminated from the program, or when the committed  
26 person is in the hospital; and

1           (C) periodically notified regarding a committed  
2           person's performance or changes in responsibilities;

3           (3) ensuring that a committed person has 2 forms of  
4           identification acceptable for employment purposes or a  
5           current passport before applying for remote work;

6           (4) ensuring that the committed person signs the  
7           necessary documents required under the remote work  
8           program;

9           (5) maintaining copies of all remote work  
10           applications, agreements, and related documentation;

11           (6) maintaining a list of all current committed  
12           persons who are employed in remote work, their job  
13           positions, the start and end dates of their employment, if  
14           applicable, and their employers; and

15           (7) ensuring the facility's remote work program is  
16           assessed on an ongoing basis to address any issues that  
17           may arise and making recommendations to the facility chief  
18           administrative officer and other appropriate staff to  
19           improve the process, practice, and policy.

20           (e) (1) An employer who hires a committed person for remote  
21           work is required to:

22           (A) follow non-discrimination policies;

23           (B) verify the committed person's eligibility with the  
24           facility community program coordinator, or other  
25           designated staff, before offering the position;

26           (C) provide a job description and details of

1       compensation to the facility community program  
2       coordinator, or other designated staff, and update as  
3       changes occur;

4       (D) agree to allow monitoring of the committed person  
5       while working;

6       (E) agree to reporting requirements, including  
7       providing updates on work performance and any incidents  
8       related to remote work;

9       (F) ensure that appropriate workers' compensation  
10       insurance coverage is in place for the committed person;

11       (G) pay for the cost of any ergonomic or adaptive  
12       equipment necessary for a committed person's computer or  
13       workstation, which must pass security requirements; and

14       (H) if the committed person resigns or is terminated  
15       from employment, notify the facility community program  
16       coordinator or other designated staff.

17       (2) All monetary compensation shall be directly deposited  
18       by the employer into the committed person's Illinois  
19       Department of Corrections account.

20       (3) The employer shall not provide non-monetary  
21       compensation to a committed person working remotely, except as  
22       set out in paragraphs (4) through (7) of this subsection.

23       (4) All expenses incurred while participating in remote  
24       work are the responsibility of the employer.

25       (5) The employer must be flexible in dealing with facility  
26       lockdowns and the impact that may have on a committed person's

1 ability to work remotely.

2 (6) The employer may offer a committed person other  
3 benefits including, but not limited to:

4 (A) health insurance for dependent coverage only and  
5 not to support the committed person's own personal  
6 healthcare needs;

7 (B) life insurance;

8 (C) retirement plans; and

9 (D) vacation, sick, and paid time off.

10 (7) Regarding compensation, an employer must:

11 (A) pay the committed person by direct deposit to the  
12 committed person's facility account;

13 (B) pay the committed person the same wage as the  
14 committed person's non-committed counterparts that work in  
15 the same role, have the same tenure, or as otherwise  
16 determined by Department policy;

17 (C) comply with all applicable State and federal labor  
18 laws, including those related to wage and hour  
19 regulations;

20 (D) unless paying for a limited position, classify the  
21 committed person as a W-2 employee; and

22 (E) adhere to standard payroll practices, including  
23 any required State and federal deductions.

24 (f)(1) Prior to beginning to work remotely, a committed  
25 person is required to sign the Department-issued Remote Work  
26 Agreement and Conditions contract and the Resident Computer

1 Use or Internet Access Agreement.

2 (2) A committed person who is employed remotely shall:

3 (A) be aware of the limits of the committed person's  
4 training and capabilities and not perform work outside the  
5 boundaries and scope of the committed person's expertise;

6 (B) not perform outside the scope of the work  
7 description for the position for which the committed  
8 person is employed;

9 (C) resign from any facility-based work assignment if  
10 the remote work is anticipated to last at least 3 months;  
11 and

12 (E) file State and federal tax returns annually.

13 (3) A committed person shall pay for obligations,  
14 including, but not limited to, victim restitution and room and  
15 board, from the committed person's compensation.

16 (g)(1) If applicable, the employment for a remote work  
17 position shall end when the planned period of employment ends,  
18 unless extended by agreement of the committed person, the  
19 employer, and the facility chief administrative officer, or  
20 his or her designee.

21 (2) A committed person who is employed remotely may resign  
22 from the committed person's job at any time for any reason by  
23 giving written notice of the committed person's resignation to  
24 the committed person's employer and to the facility community  
25 program coordinator, or other designated staff, who shall  
26 notify all appropriate facility and Department staff.



1       (3) The resignation shall take effect 2 weeks after  
2       receipt by the employer and the facility community program  
3       coordinator, or other designated staff, unless the committed  
4       person receives permission from the facility community program  
5       coordinator, or other designated staff, for the resignation to  
6       take effect sooner. The resignation shall not have any  
7       negative consequences for the committed person.

8       (4) An employer may terminate a committed person who is  
9       working remotely from the committed person's employment for  
10       any reason allowed by federal and State law and shall notify  
11       the facility community program coordinator, or other  
12       designated staff, who shall notify all appropriate facility  
13       and Department staff.

14       (5) The facility chief administrative officer, or his or  
15       her designee, shall terminate a committed person who is  
16       working remotely from the committed person's employment:

17               (A) if the committed person is charged with any new  
18               crime;

19               (B) if the committed person is no longer in general  
20               population;

21               (C) if the committed person is found guilty of a  
22               disciplinary violation;

23               (D) if the committed person violates any of the  
24               conditions set out by the Department in the Remote Work  
25               Agreement and Conditions, regardless of whether the  
26               Illinois Department of Corrections staff or the employer

1 requested or encouraged the committed person to commit the  
2 violation; or

3 (E) if there exists any reason for which a committed  
4 person may be terminated from any work assignment.

5 (6) A committed person may be terminated from the  
6 committed person's remote work employment at any time for any  
7 reason at the complete discretion of the Director or the  
8 facility chief administrative officer, or their designees.

9 (7) If a committed person is terminated from the committed  
10 person's remote work employment by the Director or the  
11 facility chief administrative officer, or their designees, the  
12 committed person shall notify the facility community program  
13 coordinator, or his or her designee, and all other appropriate  
14 staff.

15 (h) (1) A committed person may appeal a decision to deny or  
16 withdraw approval to search for remote work, apply for remote  
17 work, or accept an offer for a remote work position or a  
18 decision to terminate the committed person from a remote work  
19 position by submitting a written letter to the Deputy  
20 Director, or the Deputy Director's designee, via the U.S.  
21 Postal Service or certified mail.

22 (2) In order to be reviewed, the appeal letter must be  
23 postmarked within 15 days of when the decision was received by  
24 the committed person.

25 (3) If an appeal is timely, after reviewing the case with  
26 the facility chief administrative officer, or his or her

1 designee, the Deputy Director, or the Deputy Director's  
2 designee, shall decide the appeal within 15 days after  
3 receiving the appeal. When it is sent to the committed person,  
4 the decision on the appeal, or notation that the appeal was not  
5 timely, shall be marked as "legal mail" and processed as such  
6 at the facility where the committed person is housed.

7 (4) Upon review of the appeal, the Deputy Director, or the  
8 Deputy Director's designee, may:

9 (A) approve the decision; or

10 (B) reverse the decision.

11 (5) The Deputy Director, or the Deputy Director's  
12 designee, shall provide a copy of the appeal and the response  
13 to the appeal to the facility chief administrative officer, or  
14 his or her designee, who shall then document the response in  
15 the Department's resident and client records management  
16 system.

17 (6) The Deputy Director, or the Deputy Director's  
18 designee, is the final authority on an appeal and there shall  
19 be no further administrative level of appeal available.

20 (i) Sections 3-12-4 and 3-12-5 do not apply to committed  
21 persons employed in remote work positions.

22 Section 99. Effective date. This Act takes effect January  
23 1, 2027.