

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 1. Short title. This Act may be cited as the
5 Private Detention Facility Moratorium Act.

6 Section 5. Legislative findings. The General Assembly
7 hereby finds and declares that the management and operation of
8 any detention facility involves functions that are inherently
9 governmental. Detention requires the exercise of coercive
10 police powers over individuals that should not be delegated to
11 the private sector and is distinguishable from privatization in
12 other areas of government. It is further found that issues of
13 liability, accountability, and cost warrant a prohibition of
14 the ownership, operation, or management of detention
15 facilities by private contractors within the State to the
16 fullest extent permitted under State law.

17 Section 10. Definitions. In this Act:

18 "Detention facility" means any building, facility, or
19 structure used to detain individuals, not including State work
20 release centers or juvenile or adult residential treatment
21 facilities.

1 Section 15. Certain agreements and incentives prohibited.
2 Neither the State, nor any unit of local government, any county
3 sheriff, or any agency, officer, employee, or agent thereof,
4 shall:

5 (1) enter into an agreement of any kind for the detention
6 of individuals in a detention facility owned, managed, or
7 operated, in whole or in part, by a private entity;

8 (2) pay, reimburse, subsidize, or defray in any way any
9 costs related to the sale, purchase, construction,
10 development, ownership, management, or operation of a
11 detention facility that is or will be owned, managed, or
12 operated, in whole or in part, by a private entity;

13 (3) receive per diem, per detainee, or any other payment
14 related to the detention of individuals in a detention facility
15 owned, managed, or operated, in whole or in part, by a private
16 entity; or

17 (4) otherwise give any financial incentive or benefit to
18 any private entity or person in connection with the sale,
19 purchase, construction, development, ownership, management, or
20 operation of a detention facility that is or will be owned,
21 managed, or operated, in whole or in part, by a private entity.

22 Section 20. Exemptions. This Act does not prohibit the
23 State, a unit of local government, or any sheriff that owns,
24 manages, or operates a detention facility from contracting with
25 a private entity or person to provide ancillary services in

1 that facility, such as, medical services, food service,
2 educational services, or facility repair and maintenance.

3 Section 25. Applicability. In case of any conflict between
4 this Act and any other law, this Act shall control.

5 Section 997. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 999. Effective date. This Act takes effect upon
8 becoming law.