



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5632

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.930 new	
705 ILCS 405/5-750	
705 ILCS 405/5-815	
705 ILCS 405/5-820	
730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
730 ILCS 5/3-2.5-20	
730 ILCS 5/3-2.5-85	
730 ILCS 5/3-4-1	from Ch. 38, par. 1003-4-1
730 ILCS 5/3-6-2	from Ch. 38, par. 1003-6-2
730 ILCS 5/3-10-8	from Ch. 38, par. 1003-10-8
730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4

Amends the Juvenile Court Act of 1987. Provides that if a minor is committed to the Department of Juvenile Justice the clerk of the court shall forward to the Department all police reports for sex offenses allegedly committed or committed by the minor. Amends the Unified Code of Corrections. Provides that the Department of Juvenile Justice shall maintain and administer all State youth centers. Deletes provision permitting a person committed to the Department of Juvenile Justice to be isolated for disciplinary reasons. Provides that all sentences imposed by an Illinois court under the Code shall run concurrent to any and all sentences under the Juvenile Court Act of 1987. Provides that the target release date for youth committed to the Department as a Habitual Juvenile Offender or Violent Juvenile Offender under the Juvenile Court Act of 1987 shall be extended by not less than 12 months. Creates the Department of Juvenile Justice Reimbursement and Education Fund in the State treasury. Amends the State Finance Act to make conforming changes.

LRB101 20778 RLC 70469 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 State Finance Act is amended by adding
5 Section 5.930 as follows:

6 (30 ILCS 105/5.930 new)

7 Sec. 5.930. The Department of Juvenile Justice
8 Reimbursement and Education Fund.

9 Section 10. The Juvenile Court Act of 1987 is amended by
10 changing Sections 5-750, 5-815, and 5-820 as follows:

11 (705 ILCS 405/5-750)

12 Sec. 5-750. Commitment to the Department of Juvenile
13 Justice.

14 (1) Except as provided in subsection (2) of this Section,
15 when any delinquent has been adjudged a ward of the court under
16 this Act, the court may commit him or her to the Department of
17 Juvenile Justice, if it finds that (a) his or her parents,
18 guardian or legal custodian are unfit or are unable, for some
19 reason other than financial circumstances alone, to care for,
20 protect, train or discipline the minor, or are unwilling to do
21 so, and the best interests of the minor and the public will not

1 be served by placement under Section 5-740, or it is necessary
2 to ensure the protection of the public from the consequences of
3 criminal activity of the delinquent; and (b) commitment to the
4 Department of Juvenile Justice is the least restrictive
5 alternative based on evidence that efforts were made to locate
6 less restrictive alternatives to secure confinement and the
7 reasons why efforts were unsuccessful in locating a less
8 restrictive alternative to secure confinement. Before the
9 court commits a minor to the Department of Juvenile Justice, it
10 shall make a finding that secure confinement is necessary,
11 following a review of the following individualized factors:

12 (A) Age of the minor.

13 (B) Criminal background of the minor.

14 (C) Review of results of any assessments of the minor,
15 including child centered assessments such as the CANS.

16 (D) Educational background of the minor, indicating
17 whether the minor has ever been assessed for a learning
18 disability, and if so what services were provided as well
19 as any disciplinary incidents at school.

20 (E) Physical, mental and emotional health of the minor,
21 indicating whether the minor has ever been diagnosed with a
22 health issue and if so what services were provided and
23 whether the minor was compliant with services.

24 (F) Community based services that have been provided to
25 the minor, and whether the minor was compliant with the
26 services, and the reason the services were unsuccessful.

1 (G) Services within the Department of Juvenile Justice
2 that will meet the individualized needs of the minor.

3 (1.5) Before the court commits a minor to the Department of
4 Juvenile Justice, the court must find reasonable efforts have
5 been made to prevent or eliminate the need for the minor to be
6 removed from the home, or reasonable efforts cannot, at this
7 time, for good cause, prevent or eliminate the need for
8 removal, and removal from home is in the best interests of the
9 minor, the minor's family, and the public.

10 (2) When a minor of the age of at least 13 years is
11 adjudged delinquent for the offense of first degree murder, the
12 court shall declare the minor a ward of the court and order the
13 minor committed to the Department of Juvenile Justice until the
14 minor's 21st birthday, without the possibility of aftercare
15 release, furlough, or non-emergency authorized absence for a
16 period of 5 years from the date the minor was committed to the
17 Department of Juvenile Justice, except that the time that a
18 minor spent in custody for the instant offense before being
19 committed to the Department of Juvenile Justice shall be
20 considered as time credited towards that 5 year period. Upon
21 release from a Department facility, a minor adjudged delinquent
22 for first degree murder shall be placed on aftercare release
23 until the age of 21, unless sooner discharged from aftercare
24 release or custodianship is otherwise terminated in accordance
25 with this Act or as otherwise provided for by law. Nothing in
26 this subsection (2) shall preclude the State's Attorney from

1 seeking to prosecute a minor as an adult as an alternative to
2 proceeding under this Act.

3 (3) Except as provided in subsection (2), the commitment of
4 a delinquent to the Department of Juvenile Justice shall be for
5 an indeterminate term which shall automatically terminate upon
6 the delinquent attaining the age of 21 years or upon completion
7 of that period for which an adult could be committed for the
8 same act, whichever occurs sooner, unless the delinquent is
9 sooner discharged from aftercare release or custodianship is
10 otherwise terminated in accordance with this Act or as
11 otherwise provided for by law.

12 (3.5) Every delinquent minor committed to the Department of
13 Juvenile Justice under this Act shall be eligible for aftercare
14 release without regard to the length of time the minor has been
15 confined or whether the minor has served any minimum term
16 imposed. Aftercare release shall be administered by the
17 Department of Juvenile Justice, under the direction of the
18 Director. Unless sooner discharged, the Department of Juvenile
19 Justice shall discharge a minor from aftercare release upon
20 completion of the following aftercare release terms:

21 (a) One and a half years from the date a minor is
22 released from a Department facility, if the minor was
23 committed for a Class X felony;

24 (b) One year from the date a minor is released from a
25 Department facility, if the minor was committed for a Class
26 1 or 2 felony; and

1 (c) Six months from the date a minor is released from a
2 Department facility, if the minor was committed for a Class
3 3 felony or lesser offense.

4 (4) When the court commits a minor to the Department of
5 Juvenile Justice, it shall order him or her conveyed forthwith
6 to the appropriate reception station or other place designated
7 by the Department of Juvenile Justice, and shall appoint the
8 Director of Juvenile Justice legal custodian of the minor. The
9 clerk of the court shall issue to the Director of Juvenile
10 Justice a certified copy of the order, which constitutes proof
11 of the Director's authority. No other process need issue to
12 warrant the keeping of the minor.

13 (5) If a minor is committed to the Department of Juvenile
14 Justice, the clerk of the court shall forward to the
15 Department:

16 (a) the sentencing order and copies of committing
17 petition;

18 (b) all reports;

19 (c) the court's statement of the basis for ordering the
20 disposition;

21 (d) any sex offender evaluations;

22 (e) any risk assessment or substance abuse treatment
23 eligibility screening and assessment of the minor by an
24 agent designated by the State to provide assessment
25 services for the courts;

26 (f) the number of days, if any, which the minor has

1 been in custody and for which he or she is entitled to
2 credit against the sentence, which information shall be
3 provided to the clerk by the sheriff;

4 (g) any medical or mental health records or summaries
5 of the minor;

6 (h) the municipality where the arrest of the minor
7 occurred, the commission of the offense occurred, and the
8 minor resided at the time of commission;

9 (h-5) a report detailing the minor's criminal history
10 in a manner and form prescribed by the Department of
11 Juvenile Justice; ~~and~~

12 (i) all additional matters which the court directs the
13 clerk to transmit; and-

14 (j) all police reports for sex offenses as defined by
15 the Sex Offender Management Board Act.

16 (6) Whenever the Department of Juvenile Justice lawfully
17 discharges from its custody and control a minor committed to
18 it, the Director of Juvenile Justice shall petition the court
19 for an order terminating his or her custodianship. The
20 custodianship shall terminate automatically 30 days after
21 receipt of the petition unless the court orders otherwise.

22 (7) If, while on aftercare release, a minor committed to
23 the Department of Juvenile Justice who resides in this State is
24 charged under the criminal laws of this State, the criminal
25 laws of any other state, or federal law with an offense that
26 could result in a sentence of imprisonment within the

1 Department of Corrections, the penal system of any state, or
2 the federal Bureau of Prisons, the commitment to the Department
3 of Juvenile Justice and all rights and duties created by that
4 commitment are automatically suspended pending final
5 disposition of the criminal charge. If the minor is found
6 guilty of the criminal charge and sentenced to a term of
7 imprisonment in the penitentiary system of the Department of
8 Corrections, the penal system of any state, or the federal
9 Bureau of Prisons, the commitment to the Department of Juvenile
10 Justice shall be automatically terminated. If the criminal
11 charge is dismissed, the minor is found not guilty, or the
12 minor completes a criminal sentence other than imprisonment
13 within the Department of Corrections, the penal system of any
14 state, or the federal Bureau of Prisons, the previously imposed
15 commitment to the Department of Juvenile Justice and the full
16 aftercare release term shall be automatically reinstated
17 unless custodianship is sooner terminated. Nothing in this
18 subsection (7) shall preclude the court from ordering another
19 sentence under Section 5-710 of this Act or from terminating
20 the Department's custodianship while the commitment to the
21 Department is suspended.

22 (Source: P.A. 100-765, eff. 8-10-18; 101-159, eff. 1-1-20.)

23 (705 ILCS 405/5-815)

24 Sec. 5-815. Habitual Juvenile Offender.

25 (a) Definition. Any minor having been twice adjudicated a

1 delinquent minor for offenses which, had he or she been
2 prosecuted as an adult, would have been felonies under the laws
3 of this State, and who is thereafter adjudicated a delinquent
4 minor for a third time shall be adjudged an Habitual Juvenile
5 Offender where:

6 1. the third adjudication is for an offense occurring
7 after adjudication on the second; and

8 2. the second adjudication was for an offense occurring
9 after adjudication on the first; and

10 3. the third offense occurred after January 1, 1980;
11 and

12 4. the third offense was based upon the commission of
13 or attempted commission of the following offenses: first
14 degree murder, second degree murder or involuntary
15 manslaughter; criminal sexual assault or aggravated
16 criminal sexual assault; aggravated or heinous battery
17 involving permanent disability or disfigurement or great
18 bodily harm to the victim; burglary of a home or other
19 residence intended for use as a temporary or permanent
20 dwelling place for human beings; home invasion; robbery or
21 armed robbery; or aggravated arson.

22 Nothing in this Section shall preclude the State's Attorney
23 from seeking to prosecute a minor as an adult as an alternative
24 to prosecution as an habitual juvenile offender.

25 A continuance under supervision authorized by Section
26 5-615 of this Act shall not be permitted under this Section.

1 (b) Notice to minor. The State shall serve upon the minor
2 written notice of intention to prosecute under the provisions
3 of this Section within 5 judicial days of the filing of any
4 delinquency petition, adjudication upon which would mandate
5 the minor's disposition as an Habitual Juvenile Offender.

6 (c) Petition; service. A notice to seek adjudication as an
7 Habitual Juvenile Offender shall be filed only by the State's
8 Attorney.

9 The petition upon which such Habitual Juvenile Offender
10 notice is based shall contain the information and averments
11 required for all other delinquency petitions filed under this
12 Act and its service shall be according to the provisions of
13 this Act.

14 No prior adjudication shall be alleged in the petition.

15 (d) Trial. Trial on such petition shall be by jury unless
16 the minor demands, in open court and with advice of counsel, a
17 trial by the court without jury.

18 Except as otherwise provided herein, the provisions of this
19 Act concerning delinquency proceedings generally shall be
20 applicable to Habitual Juvenile Offender proceedings.

21 (e) Proof of prior adjudications. No evidence or other
22 disclosure of prior adjudications shall be presented to the
23 court or jury during any adjudicatory hearing provided for
24 under this Section unless otherwise permitted by the issues
25 properly raised in such hearing. In the event the minor who is
26 the subject of these proceedings elects to testify on his or

1 her own behalf, it shall be competent to introduce evidence,
2 for purposes of impeachment, that he or she has previously been
3 adjudicated a delinquent minor upon facts which, had he been
4 tried as an adult, would have resulted in his conviction of a
5 felony or of any offense that involved dishonesty or false
6 statement. Introduction of such evidence shall be according to
7 the rules and procedures applicable to the impeachment of an
8 adult defendant by prior conviction.

9 After an admission of the facts in the petition or
10 adjudication of delinquency, the State's Attorney may file with
11 the court a verified written statement signed by the State's
12 Attorney concerning any prior adjudication of an offense set
13 forth in subsection (a) of this Section which offense would
14 have been a felony or of any offense that involved dishonesty
15 or false statement had the minor been tried as an adult.

16 The court shall then cause the minor to be brought before
17 it; shall inform him or her of the allegations of the statement
18 so filed, and of his or her right to a hearing before the court
19 on the issue of such prior adjudication and of his right to
20 counsel at such hearing; and unless the minor admits such
21 adjudication, the court shall hear and determine such issue,
22 and shall make a written finding thereon.

23 A duly authenticated copy of the record of any such alleged
24 prior adjudication shall be prima facie evidence of such prior
25 adjudication or of any offense that involved dishonesty or
26 false statement.

1 Any claim that a previous adjudication offered by the
2 State's Attorney is not a former adjudication of an offense
3 which, had the minor been prosecuted as an adult, would have
4 resulted in his conviction of a felony or of any offense that
5 involved dishonesty or false statement, is waived unless duly
6 raised at the hearing on such adjudication, or unless the
7 State's Attorney's proof shows that such prior adjudication was
8 not based upon proof of what would have been a felony.

9 (f) Disposition. If the court finds that the prerequisites
10 established in subsection (a) of this Section have been proven,
11 it shall adjudicate the minor a ~~an~~ Habitual Juvenile Offender
12 and commit him or her ~~him~~ to the Department of Juvenile Justice
13 for a period of time as provided in subsection (3) of Section
14 5-750, subject to the target release date provisions as
15 provided in subsection (c) of Section 3-2.5-85 of the Unified
16 Code of Corrections. ~~until his 21st birthday, without~~
17 ~~possibility of aftercare release, furlough, or non emergency~~
18 ~~authorized absence. However, the minor shall be entitled to~~
19 ~~earn one day of good conduct credit for each day served as~~
20 ~~reductions against the period of his confinement. Such good~~
21 ~~conduct credits shall be earned or revoked according to the~~
22 ~~procedures applicable to the allowance and revocation of good~~
23 ~~conduct credit for adult prisoners serving determinate~~
24 ~~sentences for felonies.~~

25 ~~For purposes of determining good conduct credit,~~
26 ~~commitment as an Habitual Juvenile Offender shall be considered~~

1 ~~a determinate commitment, and the difference between the date~~
2 ~~of the commitment and the minor's 21st birthday shall be~~
3 ~~considered the determinate period of his confinement.~~

4 (Source: P.A. 98-558, eff. 1-1-14.)

5 (705 ILCS 405/5-820)

6 Sec. 5-820. Violent Juvenile Offender.

7 (a) Definition. A minor having been previously adjudicated
8 a delinquent minor for an offense which, had he or she been
9 prosecuted as an adult, would have been a Class 2 or greater
10 felony involving the use or threat of physical force or
11 violence against an individual or a Class 2 or greater felony
12 for which an element of the offense is possession or use of a
13 firearm, and who is thereafter adjudicated a delinquent minor
14 for a second time for any of those offenses shall be
15 adjudicated a Violent Juvenile Offender if:

16 (1) The second adjudication is for an offense occurring
17 after adjudication on the first; and

18 (2) The second offense occurred on or after January 1,
19 1995.

20 (b) Notice to minor. The State shall serve upon the minor
21 written notice of intention to prosecute under the provisions
22 of this Section within 5 judicial days of the filing of a
23 delinquency petition, adjudication upon which would mandate
24 the minor's disposition as a Violent Juvenile Offender.

25 (c) Petition; service. A notice to seek adjudication as a

1 Violent Juvenile Offender shall be filed only by the State's
2 Attorney.

3 The petition upon which the Violent Juvenile Offender
4 notice is based shall contain the information and averments
5 required for all other delinquency petitions filed under this
6 Act and its service shall be according to the provisions of
7 this Act.

8 No prior adjudication shall be alleged in the petition.

9 (d) Trial. Trial on the petition shall be by jury unless
10 the minor demands, in open court and with advice of counsel, a
11 trial by the court without a jury.

12 Except as otherwise provided in this Section, the
13 provisions of this Act concerning delinquency proceedings
14 generally shall be applicable to Violent Juvenile Offender
15 proceedings.

16 (e) Proof of prior adjudications. No evidence or other
17 disclosure of prior adjudications shall be presented to the
18 court or jury during an adjudicatory hearing provided for under
19 this Section unless otherwise permitted by the issues properly
20 raised in that hearing. In the event the minor who is the
21 subject of these proceedings elects to testify on his or her
22 own behalf, it shall be competent to introduce evidence, for
23 purposes of impeachment, that he or she has previously been
24 adjudicated a delinquent minor upon facts which, had the minor
25 been tried as an adult, would have resulted in the minor's
26 conviction of a felony or of any offense that involved

1 dishonesty or false statement. Introduction of such evidence
2 shall be according to the rules and procedures applicable to
3 the impeachment of an adult defendant by prior conviction.

4 After an admission of the facts in the petition or
5 adjudication of delinquency, the State's Attorney may file with
6 the court a verified written statement signed by the State's
7 Attorney concerning any prior adjudication of an offense set
8 forth in subsection (a) of this Section that would have been a
9 felony or of any offense that involved dishonesty or false
10 statement had the minor been tried as an adult.

11 The court shall then cause the minor to be brought before
12 it; shall inform the minor of the allegations of the statement
13 so filed, of his or her right to a hearing before the court on
14 the issue of the prior adjudication and of his or her right to
15 counsel at the hearing; and unless the minor admits the
16 adjudication, the court shall hear and determine the issue, and
17 shall make a written finding of the issue.

18 A duly authenticated copy of the record of any alleged
19 prior adjudication shall be prima facie evidence of the prior
20 adjudication or of any offense that involved dishonesty or
21 false statement.

22 Any claim that a previous adjudication offered by the
23 State's Attorney is not a former adjudication of an offense
24 which, had the minor been prosecuted as an adult, would have
25 resulted in his or her conviction of a Class 2 or greater
26 felony involving the use or threat of force or violence, or a

1 firearm, a felony or of any offense that involved dishonesty or
2 false statement is waived unless duly raised at the hearing on
3 the adjudication, or unless the State's Attorney's proof shows
4 that the prior adjudication was not based upon proof of what
5 would have been a felony.

6 (f) Disposition. If the court finds that the prerequisites
7 established in subsection (a) of this Section have been proven,
8 it shall adjudicate the minor a Violent Juvenile Offender and
9 commit the minor to the Department of Juvenile Justice for a
10 period of time as provided in subsection (3) of Section 5-750,
11 subject to the target release date provisions in subsection (c)
12 of Section 3-2.5-85 of the Unified Code of Corrections ~~until~~
13 ~~his or her 21st birthday, without possibility of aftercare~~
14 ~~release, furlough, or non-emergency authorized absence.~~
15 ~~However, the minor shall be entitled to earn one day of good~~
16 ~~conduct credit for each day served as reductions against the~~
17 ~~period of his or her confinement. The good conduct credits~~
18 ~~shall be earned or revoked according to the procedures~~
19 ~~applicable to the allowance and revocation of good conduct~~
20 ~~credit for adult prisoners serving determinate sentences for~~
21 ~~felonies.~~

22 ~~For purposes of determining good conduct credit,~~
23 ~~commitment as a Violent Juvenile Offender shall be considered a~~
24 ~~determinate commitment, and the difference between the date of~~
25 ~~the commitment and the minor's 21st birthday shall be~~
26 ~~considered the determinate period of his or her confinement.~~

1 (g) Nothing in this Section shall preclude the State's
2 Attorney from seeking to prosecute a minor as a habitual
3 juvenile offender or as an adult as an alternative to
4 prosecution as a Violent Juvenile Offender.

5 (h) A continuance under supervision authorized by Section
6 5-615 of this Act shall not be permitted under this Section.

7 (Source: P.A. 98-558, eff. 1-1-14.)

8 Section 15. The Unified Code of Corrections is amended by
9 changing Sections 3-2-2, 3-2.5-20, 3-2.5-85, 3-4-1, 3-6-2,
10 3-10-8, and 5-8-4 as follows:

11 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

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

13 (1) In addition to the powers, duties, and responsibilities
14 which are otherwise provided by law, the Department shall have
15 the following powers:

16 (a) To accept persons committed to it by the courts of
17 this State for care, custody, treatment and
18 rehabilitation, and to accept federal prisoners and aliens
19 over whom the Office of the Federal Detention Trustee is
20 authorized to exercise the federal detention function for
21 limited purposes and periods of time.

22 (b) To develop and maintain reception and evaluation
23 units for purposes of analyzing the custody and
24 rehabilitation needs of persons committed to it and to

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

13 (b-1) To create and implement, on January 1, 2002, a
14 pilot program to establish the effectiveness of
15 pupillometer technology (the measurement of the pupil's
16 reaction to light) as an alternative to a urine test for
17 purposes of screening and evaluating persons committed to
18 its custody who have alcohol or drug problems. The pilot
19 program shall require the pupillometer technology to be
20 used in at least one Department of Corrections facility.
21 The Director may expand the pilot program to include an
22 additional facility or facilities as he or she deems
23 appropriate. A minimum of 4,000 tests shall be included in
24 the pilot program. The Department must report to the
25 General Assembly on the effectiveness of the program by
26 January 1, 2003.

1 (b-5) To develop, in consultation with the Department
2 of State Police, a program for tracking and evaluating each
3 inmate from commitment through release for recording his or
4 her gang affiliations, activities, or ranks.

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

18 Pursuant to its power to establish new institutions and
19 facilities, the Department may authorize the Department of
20 Central Management Services to accept bids from counties
21 and municipalities for the construction, remodeling or
22 conversion of a structure to be leased to the Department of
23 Corrections for the purposes of its serving as a
24 correctional institution or facility. Such construction,
25 remodeling or conversion may be financed with revenue bonds
26 issued pursuant to the Industrial Building Revenue Bond Act

1 by the municipality or county. The lease specified in a bid
2 shall be for a term of not less than the time needed to
3 retire any revenue bonds used to finance the project, but
4 not to exceed 40 years. The lease may grant to the State
5 the option to purchase the structure outright.

6 Upon receipt of the bids, the Department may certify
7 one or more of the bids and shall submit any such bids to
8 the General Assembly for approval. Upon approval of a bid
9 by a constitutional majority of both houses of the General
10 Assembly, pursuant to joint resolution, the Department of
11 Central Management Services may enter into an agreement
12 with the county or municipality pursuant to such bid.

13 (c-5) To build and maintain regional juvenile
14 detention centers and to charge a per diem to the counties
15 as established by the Department to defray the costs of
16 housing each minor in a center. In this subsection (c-5),
17 "juvenile detention center" means a facility to house
18 minors during pendency of trial who have been transferred
19 from proceedings under the Juvenile Court Act of 1987 to
20 prosecutions under the criminal laws of this State in
21 accordance with Section 5-805 of the Juvenile Court Act of
22 1987, whether the transfer was by operation of law or
23 permissive under that Section. The Department shall
24 designate the counties to be served by each regional
25 juvenile detention center.

26 (d) To develop and maintain programs of control,

1 rehabilitation and employment of committed persons within
2 its institutions.

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

5 (d-10) To provide educational and visitation
6 opportunities to committed persons within its institutions
7 through temporary access to content-controlled tablets
8 that may be provided as a privilege to committed persons to
9 induce or reward compliance.

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

12 (f) To establish in cooperation with the Department of
13 Transportation to supply a sufficient number of prisoners
14 for use by the Department of Transportation to clean up the
15 trash and garbage along State, county, township, or
16 municipal highways as designated by the Department of
17 Transportation. The Department of Corrections, at the
18 request of the Department of Transportation, shall furnish
19 such prisoners at least annually for a period to be agreed
20 upon between the Director of Corrections and the Secretary
21 of Transportation. The prisoners used on this program shall
22 be selected by the Director of Corrections on whatever
23 basis he deems proper in consideration of their term,
24 behavior and earned eligibility to participate in such
25 program - where they will be outside of the prison facility
26 but still in the custody of the Department of Corrections.

1 Prisoners convicted of first degree murder, or a Class X
2 felony, or armed violence, or aggravated kidnapping, or
3 criminal sexual assault, aggravated criminal sexual abuse
4 or a subsequent conviction for criminal sexual abuse, or
5 forcible detention, or arson, or a prisoner adjudged a
6 Habitual Criminal shall not be eligible for selection to
7 participate in such program. The prisoners shall remain as
8 prisoners in the custody of the Department of Corrections
9 and such Department shall furnish whatever security is
10 necessary. The Department of Transportation shall furnish
11 trucks and equipment for the highway cleanup program and
12 personnel to supervise and direct the program. Neither the
13 Department of Corrections nor the Department of
14 Transportation shall replace any regular employee with a
15 prisoner.

16 (g) To maintain records of persons committed to it and
17 to establish programs of research, statistics and
18 planning.

19 (h) To investigate the grievances of any person
20 committed to the Department and to inquire into any alleged
21 misconduct by employees or committed persons; and for these
22 purposes it may issue subpoenas and compel the attendance
23 of witnesses and the production of writings and papers, and
24 may examine under oath any witnesses who may appear before
25 it; to also investigate alleged violations of a parolee's
26 or releasee's conditions of parole or release; and for this

1 purpose it may issue subpoenas and compel the attendance of
2 witnesses and the production of documents only if there is
3 reason to believe that such procedures would provide
4 evidence that such violations have occurred.

5 If any person fails to obey a subpoena issued under
6 this subsection, the Director may apply to any circuit
7 court to secure compliance with the subpoena. The failure
8 to comply with the order of the court issued in response
9 thereto shall be punishable as contempt of court.

10 (i) To appoint and remove the chief administrative
11 officers, and administer programs of training and
12 development of personnel of the Department. Personnel
13 assigned by the Department to be responsible for the
14 custody and control of committed persons or to investigate
15 the alleged misconduct of committed persons or employees or
16 alleged violations of a parolee's or releasee's conditions
17 of parole shall be conservators of the peace for those
18 purposes, and shall have the full power of peace officers
19 outside of the facilities of the Department in the
20 protection, arrest, retaking and reconfining of committed
21 persons or where the exercise of such power is necessary to
22 the investigation of such misconduct or violations. This
23 subsection shall not apply to persons committed to the
24 Department of Juvenile Justice under the Juvenile Court Act
25 of 1987 on aftercare release.

26 (j) To cooperate with other departments and agencies

1 and with local communities for the development of standards
2 and programs for better correctional services in this
3 State.

4 (k) To administer all moneys and properties of the
5 Department.

6 (l) To report annually to the Governor on the committed
7 persons, institutions and programs of the Department.

8 (l-5) (Blank).

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

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

15 (o) To administer the distribution of funds from the
16 State Treasury to reimburse counties where State penal
17 institutions are located for the payment of assistant
18 state's attorneys' salaries under Section 4-2001 of the
19 Counties Code.

20 (p) To exchange information with the Department of
21 Human Services and the Department of Healthcare and Family
22 Services for the purpose of verifying living arrangements
23 and for other purposes directly connected with the
24 administration of this Code and the Illinois Public Aid
25 Code.

26 (q) To establish a diversion program.

1 The program shall provide a structured environment for
2 selected technical parole or mandatory supervised release
3 violators and committed persons who have violated the rules
4 governing their conduct while in work release. This program
5 shall not apply to those persons who have committed a new
6 offense while serving on parole or mandatory supervised
7 release or while committed to work release.

8 Elements of the program shall include, but shall not be
9 limited to, the following:

10 (1) The staff of a diversion facility shall provide
11 supervision in accordance with required objectives set
12 by the facility.

13 (2) Participants shall be required to maintain
14 employment.

15 (3) Each participant shall pay for room and board
16 at the facility on a sliding-scale basis according to
17 the participant's income.

18 (4) Each participant shall:

19 (A) provide restitution to victims in
20 accordance with any court order;

21 (B) provide financial support to his
22 dependents; and

23 (C) make appropriate payments toward any other
24 court-ordered obligations.

25 (5) Each participant shall complete community
26 service in addition to employment.

1 (6) Participants shall take part in such
2 counseling, educational and other programs as the
3 Department may deem appropriate.

4 (7) Participants shall submit to drug and alcohol
5 screening.

6 (8) The Department shall promulgate rules
7 governing the administration of the program.

8 (r) To enter into intergovernmental cooperation
9 agreements under which persons in the custody of the
10 Department may participate in a county impact
11 incarceration program established under Section 3-6038 or
12 3-15003.5 of the Counties Code.

13 (r-5) (Blank).

14 (r-10) To systematically and routinely identify with
15 respect to each streetgang active within the correctional
16 system: (1) each active gang; (2) every existing inter-gang
17 affiliation or alliance; and (3) the current leaders in
18 each gang. The Department shall promptly segregate leaders
19 from inmates who belong to their gangs and allied gangs.
20 "Segregate" means no physical contact and, to the extent
21 possible under the conditions and space available at the
22 correctional facility, prohibition of visual and sound
23 communication. For the purposes of this paragraph (r-10),
24 "leaders" means persons who:

25 (i) are members of a criminal streetgang;

26 (ii) with respect to other individuals within the

1 streetgang, occupy a position of organizer,
2 supervisor, or other position of management or
3 leadership; and

4 (iii) are actively and personally engaged in
5 directing, ordering, authorizing, or requesting
6 commission of criminal acts by others, which are
7 punishable as a felony, in furtherance of streetgang
8 related activity both within and outside of the
9 Department of Corrections.

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

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

17 (t) To monitor any unprivileged conversation or any
18 unprivileged communication, whether in person or by mail,
19 telephone, or other means, between an inmate who, before
20 commitment to the Department, was a member of an organized
21 gang and any other person without the need to show cause or
22 satisfy any other requirement of law before beginning the
23 monitoring, except as constitutionally required. The
24 monitoring may be by video, voice, or other method of
25 recording or by any other means. As used in this
26 subdivision (1)(t), "organized gang" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 As used in this subdivision (1)(t), "unprivileged
4 conversation" or "unprivileged communication" means a
5 conversation or communication that is not protected by any
6 privilege recognized by law or by decision, rule, or order
7 of the Illinois Supreme Court.

8 (u) To establish a Women's and Children's Pre-release
9 Community Supervision Program for the purpose of providing
10 housing and services to eligible female inmates, as
11 determined by the Department, and their newborn and young
12 children.

13 (u-5) To issue an order, whenever a person committed to
14 the Department absconds or absents himself or herself,
15 without authority to do so, from any facility or program to
16 which he or she is assigned. The order shall be certified
17 by the Director, the Supervisor of the Apprehension Unit,
18 or any person duly designated by the Director, with the
19 seal of the Department affixed. The order shall be directed
20 to all sheriffs, coroners, and police officers, or to any
21 particular person named in the order. Any order issued
22 pursuant to this subdivision (1) (u-5) shall be sufficient
23 warrant for the officer or person named in the order to
24 arrest and deliver the committed person to the proper
25 correctional officials and shall be executed the same as
26 criminal process.

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

3 (2) The Department of Corrections shall by January 1, 1998,
4 consider building and operating a correctional facility within
5 100 miles of a county of over 2,000,000 inhabitants, especially
6 a facility designed to house juvenile participants in the
7 impact incarceration program.

8 (3) When the Department lets bids for contracts for medical
9 services to be provided to persons committed to Department
10 facilities by a health maintenance organization, medical
11 service corporation, or other health care provider, the bid may
12 only be let to a health care provider that has obtained an
13 irrevocable letter of credit or performance bond issued by a
14 company whose bonds have an investment grade or higher rating
15 by a bond rating organization.

16 (4) When the Department lets bids for contracts for food or
17 commissary services to be provided to Department facilities,
18 the bid may only be let to a food or commissary services
19 provider that has obtained an irrevocable letter of credit or
20 performance bond issued by a company whose bonds have an
21 investment grade or higher rating by a bond rating
22 organization.

23 (5) On and after the date 6 months after August 16, 2013
24 (the effective date of Public Act 98-488), as provided in the
25 Executive Order 1 (2012) Implementation Act, all of the powers,
26 duties, rights, and responsibilities related to State

1 healthcare purchasing under this Code that were transferred
2 from the Department of Corrections to the Department of
3 Healthcare and Family Services by Executive Order 3 (2005) are
4 transferred back to the Department of Corrections; however,
5 powers, duties, rights, and responsibilities related to State
6 healthcare purchasing under this Code that were exercised by
7 the Department of Corrections before the effective date of
8 Executive Order 3 (2005) but that pertain to individuals
9 resident in facilities operated by the Department of Juvenile
10 Justice are transferred to the Department of Juvenile Justice.
11 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;
12 101-235, eff. 1-1-20.)

13 (730 ILCS 5/3-2.5-20)

14 Sec. 3-2.5-20. General powers and duties.

15 (a) In addition to the powers, duties, and responsibilities
16 which are otherwise provided by law or transferred to the
17 Department as a result of this Article, the Department, as
18 determined by the Director, shall have, but is ~~are~~ not limited
19 to, the following rights, powers, functions, and duties:

20 (1) To accept juveniles committed to it by the courts
21 of this State for care, custody, treatment, and
22 rehabilitation.

23 (2) To maintain and administer all State juvenile youth
24 centers ~~correctional institutions~~ previously under the
25 control of the Juvenile and Women's & Children Divisions of

1 the Department of Corrections, and to establish and
2 maintain youth centers ~~institutions~~ as needed to meet the
3 needs of the youth committed to its care.

4 (3) To identify the need for and recommend the funding
5 and implementation of an appropriate mix of programs and
6 services within the juvenile justice continuum, including,
7 but not limited to, prevention, nonresidential and
8 residential commitment programs, day treatment, and
9 conditional release programs and services, with the
10 support of educational, vocational, alcohol, drug abuse,
11 and mental health services where appropriate.

12 (3.5) To assist youth committed to the Department of
13 Juvenile Justice under the Juvenile Court Act of 1987 with
14 successful reintegration into society, the Department
15 shall retain custody and control of all adjudicated
16 delinquent juveniles released under Section 3-2.5-85 or
17 3-3-10 of this Code, shall provide a continuum of
18 post-release treatment and services to those youth, and
19 shall supervise those youth during their release period in
20 accordance with the conditions set by the Department or the
21 Prisoner Review Board.

22 (4) To establish and provide transitional and
23 post-release treatment programs for juveniles committed to
24 the Department. Services shall include, but are not limited
25 to:

26 (i) family and individual counseling and treatment

1 placement;

2 (ii) referral services to any other State or local
3 agencies;

4 (iii) mental health services;

5 (iv) educational services;

6 (v) family counseling services; and

7 (vi) substance abuse services.

8 (5) To access vital records of juveniles for the
9 purposes of providing necessary documentation for
10 transitional services such as obtaining identification,
11 educational enrollment, employment, and housing.

12 (6) To develop staffing and workload standards and
13 coordinate staff development and training appropriate for
14 juvenile populations.

15 (6.5) To develop policies and procedures promoting
16 family engagement and visitation appropriate for juvenile
17 populations.

18 (7) To develop, with the approval of the Office of the
19 Governor and the Governor's Office of Management and
20 Budget, annual budget requests.

21 (8) To administer the Interstate Compact for
22 Juveniles, with respect to all juveniles under its
23 jurisdiction, and to cooperate with the Department of Human
24 Services with regard to all non-offender juveniles subject
25 to the Interstate Compact for Juveniles.

26 (9) To decide the date of release on aftercare for

1 youth committed to the Department under Section 5-750 of
2 the Juvenile Court Act of 1987.

3 (10) To set conditions of aftercare release for all
4 youth committed to the Department under the Juvenile Court
5 Act of 1987.

6 (b) The Department may employ personnel in accordance with
7 the Personnel Code and Section 3-2.5-15 of this Code, provide
8 facilities, contract for goods and services, and adopt rules as
9 necessary to carry out its functions and purposes, all in
10 accordance with applicable State and federal law.

11 (c) 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 powers,
14 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 (d) To maintain and administer all State youth centers and
26 facilities under its control and to establish new ones as

1 needed. Pursuant to its power to establish new youth centers
2 and facilities, the Department may, with the written approval
3 of the Governor, authorize the Department of Central Management
4 Services to enter into an agreement of the type described in
5 subsection (d) of Section 405-300 of the Department of Central
6 Management Services Law. The Department shall designate those
7 institutions which shall constitute the Youth Corrections
8 System.

9 Pursuant to its power to establish new institutions and
10 facilities, the Department may authorize the Department of
11 Central Management Services to accept bids from counties and
12 municipalities for the construction, remodeling or conversion
13 of a structure to be leased to the Department of Juvenile
14 Justice for the purposes of its serving as a youth center or
15 facility. Such construction, remodeling or conversion may be
16 financed with revenue bonds issued pursuant to the Industrial
17 Building Revenue Bond Act by the municipality or county. The
18 lease specified in a bid shall be for a term of not less than
19 the time needed to retire any revenue bonds used to finance the
20 project, but not to exceed 40 years. The lease may grant to the
21 State the option to purchase the structure outright.

22 Upon receipt of the bids, the Department may certify one or
23 more of the bids and shall submit any such bids to the General
24 Assembly for approval. Upon approval of a bid by a
25 constitutional majority of both houses of the General Assembly,
26 pursuant to joint resolution, the Department of Central

1 Management Services may enter into an agreement with the county
2 or municipality pursuant to such bid.

3 (Source: P.A. 101-219, eff. 1-1-20; revised 9-24-19.)

4 (730 ILCS 5/3-2.5-85)

5 Sec. 3-2.5-85. Eligibility for release; determination.

6 (a) Every youth committed to the Department of Juvenile
7 Justice under Section 5-750 of the Juvenile Court Act of 1987,
8 except those committed for first degree murder, shall be:

9 (1) Eligible for aftercare release without regard to
10 the length of time the youth has been confined or whether
11 the youth has served any minimum term imposed.

12 (2) Placed on aftercare release on or before his or her
13 20th birthday or upon completion of the maximum term of
14 confinement ordered by the court under Section 5-710 of the
15 Juvenile Court Act of 1987, whichever is sooner.

16 (3) Considered for aftercare release at least 30 days
17 prior to the expiration of the first year of confinement
18 and at least annually thereafter.

19 (b) ~~This Section does not apply to the initial release of~~
20 ~~youth committed to the Department under Section 5-815 or 5-820~~
21 ~~of the Juvenile Court Act of 1987. Those youth shall be~~
22 ~~released by the Department upon completion of the determinate~~
23 ~~sentence established under this Code.~~ Subsections (d) through
24 (1) of this Section do not apply when a youth is released under
25 paragraph (2) of subsection (a) of this Section or the youth's

1 release is otherwise required by law or ordered by the court.
2 Youth who have been tried as an adult and committed to the
3 Department under Section 5-8-6 of this Code are only eligible
4 for mandatory supervised release as an adult under Section
5 3-3-3 of this Code.

6 (c) The Department shall establish a process for deciding
7 the date of release on aftercare for every youth committed to
8 the Department of Juvenile Justice under Section 5-750 of the
9 Juvenile Court Act of 1987. The process shall include
10 establishing a target release date upon commitment to the
11 Department, the regular review and appropriate adjustment of
12 the target release date, and the final release consideration at
13 least 30 days prior to the youth's target release date. The
14 establishment, adjustment, and final consideration of the
15 target release date shall include consideration of the
16 following factors:

- 17 (1) the nature and seriousness of the youth's offense;
18 (2) the likelihood the youth will reoffend or will pose
19 a danger to the community based on an assessment of the
20 youth's risks, strengths, and behavior; and
21 (3) the youth's progress since being committed to the
22 Department.

23 The target release date for youth committed to the
24 Department for first degree murder shall not precede the
25 minimum period of confinement provided in Section 5-750 of the
26 Juvenile Court Act of 1987. These youth shall be considered for

1 release upon completion of their minimum term of confinement
2 and at least annually thereafter. The target release date for
3 youth committed to the Department as a Habitual Juvenile
4 Offender or Violent Juvenile Offender under Section 5-815 or
5 5-820 of the Juvenile Court Act of 1987 shall be extended by
6 not less than 12 months.

7 (d) If the youth being considered for aftercare release has
8 a petition or any written submissions prepared on his or her
9 behalf by an attorney or other representative, the attorney or
10 representative for the youth must serve by certified mail the
11 State's Attorney of the county where the youth was prosecuted
12 with the petition or any written submissions 15 days prior to
13 the youth's target release date.

14 (e) In making its determination of aftercare release, the
15 Department shall consider:

16 (1) material transmitted to the Department by the clerk
17 of the committing court under Section 5-750 of the Juvenile
18 Court Act of 1987;

19 (2) the report under Section 3-10-2;

20 (3) a report by the Department and any report by the
21 chief administrative officer of the institution or
22 facility;

23 (4) an aftercare release progress report;

24 (5) a medical and psychological report, if available;

25 (6) material in writing, or on film, video tape or
26 other electronic means in the form of a recording submitted

1 by the youth whose aftercare release is being considered;

2 (7) material in writing, or on film, video tape or
3 other electronic means in the form of a recording or
4 testimony submitted by the State's Attorney and the victim
5 or a concerned citizen under the Rights of Crime Victims
6 and Witnesses Act; and

7 (8) the youth's eligibility for commitment under the
8 Sexually Violent Persons Commitment Act.

9 (f) The prosecuting State's Attorney's office shall
10 receive from the Department reasonable written notice not less
11 than 30 days prior to the target release date and may submit
12 relevant information by oral argument or testimony of victims
13 and concerned citizens, or both, in writing, or on film, video
14 tape or other electronic means or in the form of a recording to
15 the Department for its consideration. The State's Attorney may
16 waive the written notice of the target release date at any
17 time. Upon written request of the State's Attorney's office,
18 provided the request is received within 15 days of receipt of
19 the written notice of the target release date, the Department
20 shall hear protests to aftercare release. If a State's Attorney
21 requests a protest hearing, the committed youth's attorney or
22 other representative shall also receive notice of the request
23 and a copy of any information submitted by the State's
24 Attorney. This hearing shall take place prior to the youth's
25 aftercare release. The Department shall schedule the protest
26 hearing date, providing at least 15 days' notice to the State's

1 Attorney. If the protest hearing is rescheduled, the Department
2 shall promptly notify the State's Attorney of the new date.

3 (g) The victim of the violent crime for which the youth has
4 been sentenced shall receive notice of the target release date
5 as provided in paragraph (4) of subsection (d) of Section 4.5
6 of the Rights of Crime Victims and Witnesses Act.

7 (h) The Department shall not release any material to the
8 youth, the youth's attorney, any third party, or any other
9 person containing any information from the victim or from a
10 person related to the victim by blood, adoption, or marriage
11 who has written objections, testified at any hearing, or
12 submitted audio or visual objections to the youth's aftercare
13 release, unless provided with a waiver from that objecting
14 party. The Department shall not release the names or addresses
15 of any person on its victim registry to any other person except
16 the victim, a law enforcement agency, or other victim
17 notification system.

18 (i) Any recording considered under the provisions of
19 paragraph (6) or (7) of subsection (e) or subsection (f) of
20 this Section shall be in the form designated by the Department.
21 The recording shall be both visual and aural. Every voice on
22 the recording and person present shall be identified and the
23 recording shall contain either a visual or aural statement of
24 the person submitting the recording, the date of the recording,
25 and the name of the youth whose aftercare release is being
26 considered. The recordings shall be retained by the Department

1 and shall be considered during any subsequent aftercare release
2 decision if the victim or State's Attorney submits in writing a
3 declaration clearly identifying the recording as representing
4 the position of the victim or State's Attorney regarding the
5 release of the youth.

6 (j) The Department shall not release a youth eligible for
7 aftercare release if it determines that:

8 (1) there is a substantial risk that he or she will not
9 conform to reasonable conditions of aftercare release;

10 (2) his or her release at that time would deprecate the
11 seriousness of his or her offense or promote disrespect for
12 the law; or

13 (3) his or her release would have a substantially
14 adverse effect on institutional discipline.

15 (k) The Department shall render its release decision and
16 shall state the basis therefor both in the records of the
17 Department and in written notice to the youth who was
18 considered for aftercare release. In its decision, the
19 Department shall set the youth's time for aftercare release, or
20 if it denies aftercare release it shall provide for
21 reconsideration of aftercare release not less frequently than
22 once each year.

23 (l) The Department shall ensure all evaluations and
24 proceedings under the Sexually Violent Persons Commitment Act
25 are completed prior to any youth's release, when applicable.

26 (m) Any youth whose aftercare release has been revoked by

1 the Prisoner Review Board under Section 3-3-9.5 of this Code
2 may be rereleased to the full aftercare release term by the
3 Department at any time in accordance with this Section. Youth
4 rereleased under this subsection shall be subject to Sections
5 3-2.5-70, 3-2.5-75, 3-2.5-80, 3-2.5-90, 3-2.5-95, and 3-3-9.5
6 of this Code.

7 (n) The Department shall adopt rules regarding the exercise
8 of its discretion under this Section.

9 (Source: P.A. 99-628, eff. 1-1-17.)

10 (730 ILCS 5/3-4-1) (from Ch. 38, par. 1003-4-1)

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

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

25 (a-5) Beginning January 1, 2018, the Department of Central

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

19 (b) On July 1, 1998, the Department of Corrections
20 Reimbursement Fund and the Department of Corrections Education
21 Fund shall be combined into a single fund to be known as the
22 Department of Corrections Reimbursement and Education Fund,
23 which is hereby created as a special fund in the State
24 Treasury. The moneys deposited into the Department of
25 Corrections Reimbursement and Education Fund shall be
26 appropriated to the Department of Corrections for the expenses

1 of the Department.

2 The following shall be deposited into the Department of
3 Corrections Reimbursement and Education Fund:

4 (i) Moneys received or recovered by the Department of
5 Corrections as reimbursement for expenses incurred for the
6 incarceration of committed persons.

7 (ii) Moneys received or recovered by the Department as
8 reimbursement of payments made under the Workers'
9 Compensation Act.

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

12 (iv) Moneys received or recovered by the Department as
13 reimbursement for expenses incurred by the employment of
14 persons referred to the Department as participants in the
15 federal Job Training Partnership Act programs.

16 (v) Federal moneys, including reimbursement and
17 advances for services rendered or to be rendered and moneys
18 for other than educational purposes, under grant or
19 contract.

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

22 (vii) Moneys in the Department of Corrections
23 Reimbursement Fund and the Department of Corrections
24 Education Fund at the close of business on June 30, 1998.

25 (c) The Department of Juvenile Justice Reimbursement and
26 Education Fund is created as a special fund in the State

1 Treasury. The moneys deposited into the Department of Juvenile
2 Justice Reimbursement Fund and Education shall be appropriated
3 to the Department of Juvenile Justice for the expenses of the
4 Department. The following moneys shall be deposited into the
5 Department of Juvenile Justice Reimbursement Fund and
6 Education Fund:

7 (i) received or recovered by the Department of Juvenile
8 Justice as reimbursement for expenses incurred for the
9 incarceration of committed youth;

10 (ii) received or recovered by the Department as
11 reimbursement of payments made under the Workers'
12 Compensation Act;

13 (iii) received or recovered by the Department as
14 reimbursement for expenses incurred by the employment of
15 persons referred to the Department as participants in the
16 federal Job Training Partnership Act programs;

17 (iv) federal moneys, including reimbursement and
18 advances for services rendered or to be rendered and moneys
19 for other than educational purposes, under grant or
20 contract;

21 (v) Moneys identified for deposit into the Fund under
22 Section 13-44.4 of the School Code.

23 (Source: P.A. 99-878, eff. 1-1-17.)

24 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

25 Sec. 3-6-2. Institutions and facility administration.

1 (a) Each institution and facility of the Department shall
2 be administered by a chief administrative officer appointed by
3 the Director. A chief administrative officer shall be
4 responsible for all persons assigned to the institution or
5 facility. The chief administrative officer shall administer
6 the programs of the Department for the custody and treatment of
7 such persons.

8 (b) The chief administrative officer shall have such
9 assistants as the Department may assign.

10 (c) The Director or Assistant Director shall have the
11 emergency powers to temporarily transfer individuals without
12 formal procedures to any State, county, municipal or regional
13 correctional or detention institution or facility in the State,
14 subject to the acceptance of such receiving institution or
15 facility, or to designate any reasonably secure place in the
16 State as such an institution or facility and to make transfers
17 thereto. However, transfers made under emergency powers shall
18 be reviewed as soon as practicable under Article 8, and shall
19 be subject to Section 5-905 of the Juvenile Court Act of 1987.
20 This Section shall not apply to transfers to the Department of
21 Human Services which are provided for under Section 3-8-5 or
22 Section 3-10-5.

23 (d) The Department of Juvenile Justice shall provide
24 educational programs for all committed youth ~~persons~~ so that
25 all youth ~~persons~~ have an opportunity to attain the achievement
26 level equivalent to the completion of the twelfth grade in the

1 public school system in this State. Other higher levels of
2 attainment shall be encouraged and professional instruction
3 shall be maintained wherever possible. The Department may
4 establish programs of mandatory education and may establish
5 rules and regulations for the administration of such programs.
6 A person committed to the Department of Corrections who, during
7 the period of his or her incarceration, participates in an
8 educational program provided by or through the Department of
9 Corrections and through that program is awarded or earns the
10 number of hours of credit required for the award of an
11 associate, baccalaureate, or higher degree from a community
12 college, college, or university located in Illinois shall
13 reimburse the State, through the Department of Corrections, for
14 the costs incurred by the State in providing that person during
15 his or her incarceration with the education that qualifies him
16 or her for the award of that degree. The costs for which
17 reimbursement is required under this subsection shall be
18 determined and computed by the Department of Corrections under
19 rules and regulations that it shall establish for that purpose.
20 However, interest at the rate of 6% per annum shall be charged
21 on the balance of those costs from time to time remaining
22 unpaid, from the date of the person's parole, mandatory
23 supervised release, or release constituting a final
24 termination of his or her commitment to the Department of
25 Corrections until paid.

26 (d-5) A person committed to the Department is entitled to

1 confidential testing for infection with human immunodeficiency
2 virus (HIV) and to counseling in connection with such testing,
3 with no copay to the committed person. A person committed to
4 the Department who has tested positive for infection with HIV
5 is entitled to medical care while incarcerated, counseling, and
6 referrals to support services, in connection with that positive
7 test result. Implementation of this subsection (d-5) is subject
8 to appropriation.

9 (e) A person committed to the Department who becomes in
10 need of medical or surgical treatment but is incapable of
11 giving consent thereto shall receive such medical or surgical
12 treatment by the chief administrative officer consenting on the
13 person's behalf. Before the chief administrative officer
14 consents, he or she shall obtain the advice of one or more
15 physicians licensed to practice medicine in all its branches in
16 this State. If such physician or physicians advise:

17 (1) that immediate medical or surgical treatment is
18 required relative to a condition threatening to cause
19 death, damage or impairment to bodily functions, or
20 disfigurement; and

21 (2) that the person is not capable of giving consent to
22 such treatment; the chief administrative officer may give
23 consent for such medical or surgical treatment, and such
24 consent shall be deemed to be the consent of the person for
25 all purposes, including, but not limited to, the authority
26 of a physician to give such treatment.

1 (e-5) If a physician providing medical care to a committed
2 person on behalf of the Department advises the chief
3 administrative officer that the committed person's mental or
4 physical health has deteriorated as a result of the cessation
5 of ingestion of food or liquid to the point where medical or
6 surgical treatment is required to prevent death, damage, or
7 impairment to bodily functions, the chief administrative
8 officer may authorize such medical or surgical treatment.

9 (f) In the event that the person requires medical care and
10 treatment at a place other than the institution or facility,
11 the person may be removed therefrom under conditions prescribed
12 by the Department. Neither the Department of Corrections nor
13 the Department of Juvenile Justice may require a committed
14 person or person committed to any facility operated by the
15 Department of Juvenile Justice, as set forth in Section
16 3-2.5-15 of this Code, to pay any co-payment for receiving
17 medical or dental services.

18 (f-5) The Department shall comply with the Health Care
19 Violence Prevention Act.

20 (g) Any person having sole custody of a child at the time
21 of commitment or any woman giving birth to a child after her
22 commitment, may arrange through the Department of Children and
23 Family Services for suitable placement of the child outside of
24 the Department of Corrections. The Director of the Department
25 of Corrections may determine that there are special reasons why
26 the child should continue in the custody of the mother until

1 the child is 6 years old.

2 (h) The Department may provide Family Responsibility
3 Services which may consist of, but not be limited to the
4 following:

5 (1) family advocacy counseling;

6 (2) parent self-help group;

7 (3) parenting skills training;

8 (4) parent and child overnight program;

9 (5) parent and child reunification counseling, either
10 separately or together, preceding the inmate's release;
11 and

12 (6) a prerelease reunification staffing involving the
13 family advocate, the inmate and the child's counselor, or
14 both and the inmate.

15 (i) (Blank).

16 (j) Any person convicted of a sex offense as defined in the
17 Sex Offender Management Board Act shall be required to receive
18 a sex offender evaluation prior to release into the community
19 from the Department of Corrections. The sex offender evaluation
20 shall be conducted in conformance with the standards and
21 guidelines developed under the Sex Offender Management Board
22 Act and by an evaluator approved by the Board.

23 (k) Any minor committed to the Department of Juvenile
24 Justice for a sex offense as defined by the Sex Offender
25 Management Board Act shall be required to undergo sex offender
26 treatment by a treatment provider approved by the Board and

1 conducted in conformance with the Sex Offender Management Board
2 Act.

3 (1) Prior to the release of any inmate committed to a
4 facility of the Department or the Department of Juvenile
5 Justice, the Department must provide the inmate with
6 appropriate information verbally, in writing, by video, or
7 other electronic means, concerning HIV and AIDS. The Department
8 shall develop the informational materials in consultation with
9 the Department of Public Health. At the same time, the
10 Department must also offer the committed person the option of
11 testing for infection with human immunodeficiency virus (HIV),
12 with no copayment for the test. Pre-test information shall be
13 provided to the committed person and informed consent obtained
14 as required in subsection (d) of Section 3 and Section 5 of the
15 AIDS Confidentiality Act. The Department may conduct opt-out
16 HIV testing as defined in Section 4 of the AIDS Confidentiality
17 Act. If the Department conducts opt-out HIV testing, the
18 Department shall place signs in English, Spanish and other
19 languages as needed in multiple, highly visible locations in
20 the area where HIV testing is conducted informing inmates that
21 they will be tested for HIV unless they refuse, and refusal or
22 acceptance of testing shall be documented in the inmate's
23 medical record. The Department shall follow procedures
24 established by the Department of Public Health to conduct HIV
25 testing and testing to confirm positive HIV test results. All
26 testing must be conducted by medical personnel, but pre-test

1 and other information may be provided by committed persons who
2 have received appropriate training. The Department, in
3 conjunction with the Department of Public Health, shall develop
4 a plan that complies with the AIDS Confidentiality Act to
5 deliver confidentially all positive or negative HIV test
6 results to inmates or former inmates. Nothing in this Section
7 shall require the Department to offer HIV testing to an inmate
8 who is known to be infected with HIV, or who has been tested
9 for HIV within the previous 180 days and whose documented HIV
10 test result is available to the Department electronically. The
11 testing provided under this subsection (1) shall consist of a
12 test approved by the Illinois Department of Public Health to
13 determine the presence of HIV infection, based upon
14 recommendations of the United States Centers for Disease
15 Control and Prevention. If the test result is positive, a
16 reliable supplemental test based upon recommendations of the
17 United States Centers for Disease Control and Prevention shall
18 be administered.

19 Prior to the release of an inmate who the Department knows
20 has tested positive for infection with HIV, the Department in a
21 timely manner shall offer the inmate transitional case
22 management, including referrals to other support services.

23 (m) The chief administrative officer of each institution or
24 facility of the Department shall make a room in the institution
25 or facility available for substance use disorder services to be
26 provided to committed persons on a voluntary basis. The

1 services shall be provided for one hour once a week at a time
2 specified by the chief administrative officer of the
3 institution or facility if the following conditions are met:

4 (1) the substance use disorder service contacts the
5 chief administrative officer to arrange the meeting;

6 (2) the committed person may attend the meeting for
7 substance use disorder services only if the committed
8 person uses pre-existing free time already available to the
9 committed person;

10 (3) all disciplinary and other rules of the institution
11 or facility remain in effect;

12 (4) the committed person is not given any additional
13 privileges to attend substance use disorder services;

14 (5) if the substance use disorder service does not
15 arrange for scheduling a meeting for that week, no
16 substance use disorder services shall be provided to the
17 committed person in the institution or facility for that
18 week;

19 (6) the number of committed persons who may attend a
20 substance use disorder meeting shall not exceed 40 during
21 any session held at the correctional institution or
22 facility;

23 (7) a volunteer seeking to provide substance use
24 disorder services under this subsection (m) must submit an
25 application to the Department of Corrections under
26 existing Department rules and the Department must review

1 the application within 60 days after submission of the
2 application to the Department; and

3 (8) each institution and facility of the Department
4 shall manage the substance use disorder services program
5 according to its own processes and procedures.

6 For the purposes of this subsection (m), "substance use
7 disorder services" means recovery services for persons with
8 substance use disorders provided by volunteers of recovery
9 support services recognized by the Department of Human
10 Services.

11 (Source: P.A. 100-759, eff. 1-1-19; 100-1051, eff. 1-1-19;
12 101-81, eff. 7-12-19; 101-86, eff. 1-1-20.)

13 (730 ILCS 5/3-10-8) (from Ch. 38, par. 1003-10-8)
14 Sec. 3-10-8. Discipline.)

15 (a)(1) Corporal punishment and disciplinary restrictions
16 on diet, medical or sanitary facilities, clothing, bedding or
17 mail are prohibited, as are reductions in the frequency of use
18 of toilets, washbowls and showers.

19 (2) Disciplinary restrictions on visitation, work,
20 education or program assignments, the use of toilets, washbowls
21 and showers shall be related as closely as practicable to abuse
22 of such privileges or facilities. This paragraph shall not
23 apply to segregation or isolation of persons for purposes of
24 institutional control.

25 (3) No person committed to the Department of Juvenile

1 Justice may be isolated for disciplinary reasons ~~for more than~~
2 ~~7 consecutive days nor more than 15 days out of any 30 day~~
3 ~~period except in cases of violence or attempted violence~~
4 ~~committed against another person or property when an additional~~
5 ~~period of isolation for disciplinary reasons is approved by the~~
6 ~~chief administrative officer. A person who has been isolated~~
7 ~~for 24 hours or more shall be interviewed daily by his staff~~
8 ~~counselor or other staff member.~~

9 (b) The Department of Juvenile Justice shall establish
10 rules and regulations governing disciplinary practices, the
11 penalties for violation thereof, and the disciplinary
12 procedure by which such penalties may be imposed. The rules of
13 behavior shall be made known to each committed person, and the
14 discipline shall be suited to the infraction and fairly
15 applied.

16 (c) All disciplinary action imposed upon persons in
17 institutions and facilities of the Department of Juvenile
18 Justice shall be consistent with this Section and Department
19 rules and regulations adopted hereunder.

20 (d) Disciplinary action imposed under this Section shall be
21 reviewed by the grievance procedure under Section 3-8-8.

22 (e) A written report of any infraction for which discipline
23 is imposed shall be filed with the chief administrative officer
24 within 72 hours of the occurrence of the infraction or the
25 discovery of it and such report shall be placed in the file of
26 the institution or facility.

1 (f) All institutions and facilities of the Department of
2 Juvenile Justice shall establish, subject to the approval of
3 the Director of Juvenile Justice, procedures for disciplinary
4 cases except those that may involve the imposition of
5 disciplinary isolation; delay in referral to the Parole and
6 Pardon Board or a change in work, education or other program
7 assignment of more than 7 days duration.

8 (g) In disciplinary cases which may involve the imposition
9 of disciplinary isolation, delay in referral to the Parole and
10 Pardon Board, or a change in work, education or other program
11 assignment of more than 7 days duration, the Director shall
12 establish disciplinary procedures consistent with the
13 following principles:

14 (1) Any person or persons who initiate a disciplinary
15 charge against a person shall not decide the charge. To the
16 extent possible, a person representing the counseling
17 staff of the institution or facility shall participate in
18 deciding the disciplinary case.

19 (2) Any committed person charged with a violation of
20 Department rules of behavior shall be given notice of the
21 charge including a statement of the misconduct alleged and
22 of the rules this conduct is alleged to violate.

23 (3) Any person charged with a violation of rules is
24 entitled to a hearing on that charge at which time he shall
25 have an opportunity to appear before and address the person
26 or persons deciding the charge.

1 (4) The person or persons deciding the charge may also
2 summon to testify any witnesses or other persons with
3 relevant knowledge of the incident. The person charged may
4 be permitted to question any person so summoned.

5 (5) If the charge is sustained, the person charged is
6 entitled to a written statement of the decision by the
7 persons deciding the charge which shall include the basis
8 for the decision and the disciplinary action, if any, to be
9 imposed.

10 (6) A change in work, education, or other program
11 assignment shall not be used for disciplinary purposes
12 except as provided in paragraph (a) of the Section and then
13 only after review and approval under Section 3-10-3.

14 (Source: P.A. 94-696, eff. 6-1-06.)

15 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

16 Sec. 5-8-4. Concurrent and consecutive terms of
17 imprisonment.

18 (a) Concurrent terms; multiple or additional sentences.
19 When an Illinois court (i) imposes multiple sentences of
20 imprisonment on a defendant at the same time or (ii) imposes a
21 sentence of imprisonment on a defendant who is already subject
22 to a sentence of imprisonment imposed by an Illinois court, a
23 court of another state, or a federal court, then the sentences
24 shall run concurrently unless otherwise determined by the
25 Illinois court under this Section.

1 (b) Concurrent terms; misdemeanor and felony. A defendant
2 serving a sentence for a misdemeanor who is convicted of a
3 felony and sentenced to imprisonment shall be transferred to
4 the Department of Corrections, and the misdemeanor sentence
5 shall be merged in and run concurrently with the felony
6 sentence.

7 (c) Consecutive terms; permissive. The court may impose
8 consecutive sentences in any of the following circumstances:

9 (1) If, having regard to the nature and circumstances
10 of the offense and the history and character of the
11 defendant, it is the opinion of the court that consecutive
12 sentences are required to protect the public from further
13 criminal conduct by the defendant, the basis for which the
14 court shall set forth in the record.

15 (2) If one of the offenses for which a defendant was
16 convicted was a violation of Section 32-5.2 (aggravated
17 false personation of a peace officer) of the Criminal Code
18 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
19 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
20 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
21 offense was committed in attempting or committing a
22 forcible felony.

23 (d) Consecutive terms; mandatory. The court shall impose
24 consecutive sentences in each of the following circumstances:

25 (1) One of the offenses for which the defendant was
26 convicted was first degree murder or a Class X or Class 1

1 felony and the defendant inflicted severe bodily injury.

2 (2) The defendant was convicted of a violation of
3 Section 11-1.20 or 12-13 (criminal sexual assault),
4 11-1.30 or 12-14 (aggravated criminal sexual assault), or
5 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
6 child) of the Criminal Code of 1961 or the Criminal Code of
7 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
8 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
9 5/12-14.1).

10 (2.5) The defendant was convicted of a violation of
11 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a)
12 of Section 11-20.1 (child pornography) or of paragraph (1),
13 (2), (3), (4), (5), or (7) of subsection (a) of Section
14 11-20.1B or 11-20.3 (aggravated child pornography) of the
15 Criminal Code of 1961 or the Criminal Code of 2012; or the
16 defendant was convicted of a violation of paragraph (6) of
17 subsection (a) of Section 11-20.1 (child pornography) or of
18 paragraph (6) of subsection (a) of Section 11-20.1B or
19 11-20.3 (aggravated child pornography) of the Criminal
20 Code of 1961 or the Criminal Code of 2012, when the child
21 depicted is under the age of 13.

22 (3) The defendant was convicted of armed violence based
23 upon the predicate offense of any of the following:
24 solicitation of murder, solicitation of murder for hire,
25 heinous battery as described in Section 12-4.1 or
26 subdivision (a)(2) of Section 12-3.05, aggravated battery

1 of a senior citizen as described in Section 12-4.6 or
2 subdivision (a)(4) of Section 12-3.05, criminal sexual
3 assault, a violation of subsection (g) of Section 5 of the
4 Cannabis Control Act (720 ILCS 550/5), cannabis
5 trafficking, a violation of subsection (a) of Section 401
6 of the Illinois Controlled Substances Act (720 ILCS
7 570/401), controlled substance trafficking involving a
8 Class X felony amount of controlled substance under Section
9 401 of the Illinois Controlled Substances Act (720 ILCS
10 570/401), a violation of the Methamphetamine Control and
11 Community Protection Act (720 ILCS 646/), calculated
12 criminal drug conspiracy, or streetgang criminal drug
13 conspiracy.

14 (4) The defendant was convicted of the offense of
15 leaving the scene of a motor vehicle accident involving
16 death or personal injuries under Section 11-401 of the
17 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
18 aggravated driving under the influence of alcohol, other
19 drug or drugs, or intoxicating compound or compounds, or
20 any combination thereof under Section 11-501 of the
21 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
22 homicide under Section 9-3 of the Criminal Code of 1961 or
23 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
24 offense described in item (A) and an offense described in
25 item (B).

26 (5) The defendant was convicted of a violation of

1 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
2 death) or Section 12-20.5 (dismembering a human body) of
3 the Criminal Code of 1961 or the Criminal Code of 2012 (720
4 ILCS 5/9-3.1 or 5/12-20.5).

5 (5.5) The defendant was convicted of a violation of
6 Section 24-3.7 (use of a stolen firearm in the commission
7 of an offense) of the Criminal Code of 1961 or the Criminal
8 Code of 2012.

9 (6) If the defendant was in the custody of the
10 Department of Corrections at the time of the commission of
11 the offense, the sentence shall be served consecutive to
12 the sentence under which the defendant is held by the
13 Department of Corrections. If, however, the defendant is
14 sentenced to punishment by death, the sentence shall be
15 executed at such time as the court may fix without regard
16 to the sentence under which the defendant may be held by
17 the Department.

18 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
19 for escape or attempted escape shall be served consecutive
20 to the terms under which the offender is held by the
21 Department of Corrections.

22 (8) If a person charged with a felony commits a
23 separate felony while on pretrial release or in pretrial
24 detention in a county jail facility or county detention
25 facility, then the sentences imposed upon conviction of
26 these felonies shall be served consecutively regardless of

1 the order in which the judgments of conviction are entered.

2 (8.5) If a person commits a battery against a county
3 correctional officer or sheriff's employee while serving a
4 sentence or in pretrial detention in a county jail
5 facility, then the sentence imposed upon conviction of the
6 battery shall be served consecutively with the sentence
7 imposed upon conviction of the earlier misdemeanor or
8 felony, regardless of the order in which the judgments of
9 conviction are entered.

10 (9) If a person admitted to bail following conviction
11 of a felony commits a separate felony while free on bond or
12 if a person detained in a county jail facility or county
13 detention facility following conviction of a felony
14 commits a separate felony while in detention, then any
15 sentence following conviction of the separate felony shall
16 be consecutive to that of the original sentence for which
17 the defendant was on bond or detained.

18 (10) If a person is found to be in possession of an
19 item of contraband, as defined in Section 31A-0.1 of the
20 Criminal Code of 2012, while serving a sentence in a county
21 jail or while in pre-trial detention in a county jail, the
22 sentence imposed upon conviction for the offense of
23 possessing contraband in a penal institution shall be
24 served consecutively to the sentence imposed for the
25 offense in which the person is serving sentence in the
26 county jail or serving pretrial detention, regardless of

1 the order in which the judgments of conviction are entered.

2 (11) If a person is sentenced for a violation of bail
3 bond under Section 32-10 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, any sentence imposed for that
5 violation shall be served consecutive to the sentence
6 imposed for the charge for which bail had been granted and
7 with respect to which the defendant has been convicted.

8 (e) Consecutive terms; subsequent non-Illinois term. If an
9 Illinois court has imposed a sentence of imprisonment on a
10 defendant and the defendant is subsequently sentenced to a term
11 of imprisonment by a court of another state or a federal court,
12 then the Illinois sentence shall run consecutively to the
13 sentence imposed by the court of the other state or the federal
14 court. That same Illinois court, however, may order that the
15 Illinois sentence run concurrently with the sentence imposed by
16 the court of the other state or the federal court, but only if
17 the defendant applies to that same Illinois court within 30
18 days after the sentence imposed by the court of the other state
19 or the federal court is finalized.

20 (f) Consecutive terms; aggregate maximums and minimums.
21 The aggregate maximum and aggregate minimum of consecutive
22 sentences shall be determined as follows:

23 (1) For sentences imposed under law in effect prior to
24 February 1, 1978, the aggregate maximum of consecutive
25 sentences shall not exceed the maximum term authorized
26 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of

1 Chapter V for the 2 most serious felonies involved. The
2 aggregate minimum period of consecutive sentences shall
3 not exceed the highest minimum term authorized under
4 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
5 V for the 2 most serious felonies involved. When sentenced
6 only for misdemeanors, a defendant shall not be
7 consecutively sentenced to more than the maximum for one
8 Class A misdemeanor.

9 (2) For sentences imposed under the law in effect on or
10 after February 1, 1978, the aggregate of consecutive
11 sentences for offenses that were committed as part of a
12 single course of conduct during which there was no
13 substantial change in the nature of the criminal objective
14 shall not exceed the sum of the maximum terms authorized
15 under Article 4.5 of Chapter V for the 2 most serious
16 felonies involved, but no such limitation shall apply for
17 offenses that were not committed as part of a single course
18 of conduct during which there was no substantial change in
19 the nature of the criminal objective. When sentenced only
20 for misdemeanors, a defendant shall not be consecutively
21 sentenced to more than the maximum for one Class A
22 misdemeanor.

23 (g) Consecutive terms; manner served. In determining the
24 manner in which consecutive sentences of imprisonment, one or
25 more of which is for a felony, will be served, the Department
26 of Corrections shall treat the defendant as though he or she

1 had been committed for a single term subject to each of the
2 following:

3 (1) The maximum period of a term of imprisonment shall
4 consist of the aggregate of the maximums of the imposed
5 indeterminate terms, if any, plus the aggregate of the
6 imposed determinate sentences for felonies, plus the
7 aggregate of the imposed determinate sentences for
8 misdemeanors, subject to subsection (f) of this Section.

9 (2) The parole or mandatory supervised release term
10 shall be as provided in paragraph (e) of Section 5-4.5-50
11 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
12 involved.

13 (3) The minimum period of imprisonment shall be the
14 aggregate of the minimum and determinate periods of
15 imprisonment imposed by the court, subject to subsection
16 (f) of this Section.

17 (4) The defendant shall be awarded credit against the
18 aggregate maximum term and the aggregate minimum term of
19 imprisonment for all time served in an institution since
20 the commission of the offense or offenses and as a
21 consequence thereof at the rate specified in Section 3-6-3
22 (730 ILCS 5/3-6-3).

23 (h) Notwithstanding any other provisions of this Section,
24 all sentences imposed by an Illinois court under this Code
25 shall run concurrent to any and all sentences imposed under the
26 Juvenile Court Act of 1987.

1 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;
2 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.
3 1-1-14.)