



Rep. Robyn Gabel

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10200SB1976ham001

LRB102 10348 KMF 25957 a

1 AMENDMENT TO SENATE BILL 1976

2 AMENDMENT NO. _____. Amend Senate Bill 1976 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-2-2 as follows:

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

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

8 (1) In addition to the powers, duties, and
9 responsibilities which are otherwise provided by law, the
10 Department shall have the following powers:

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

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

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

1 the pilot program. The Department must report to the
2 General Assembly on the effectiveness of the program by
3 January 1, 2003.

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

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

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

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

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

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

1 juvenile detention center.

2 (d) To develop and maintain programs of control,
3 rehabilitation and employment of committed persons within
4 its institutions.

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

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

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

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

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

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

21 (h) To investigate the grievances of any person
22 committed to the Department and to inquire into any
23 alleged misconduct by employees or committed persons; and
24 for these purposes it may issue subpoenas and compel the
25 attendance of witnesses and the production of writings and
26 papers, and may examine under oath any witnesses who may

1 appear before it; to also investigate alleged violations
2 of a parolee's or releasee's conditions of parole or
3 release; and for this purpose it may issue subpoenas and
4 compel the attendance of witnesses and the production of
5 documents only if there is reason to believe that such
6 procedures would provide evidence that such violations
7 have occurred.

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

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

1 committed to the Department of Juvenile Justice under the
2 Juvenile Court Act of 1987 on aftercare release.

3 (j) To cooperate with other departments and agencies
4 and with local communities for the development of
5 standards and programs for better correctional services in
6 this State.

7 (k) To administer all moneys and properties of the
8 Department.

9 (l) To report annually to the Governor on the
10 committed persons, institutions and programs of the
11 Department.

12 (l-5) (Blank).

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

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

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

24 (p) To exchange information with the Department of
25 Human Services and the Department of Healthcare and Family
26 Services for the purpose of verifying living arrangements

1 and for other purposes directly connected with the
2 administration of this Code and the Illinois Public Aid
3 Code.

4 (q) To establish a diversion program.

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

13 Elements of the program shall include, but shall not
14 be limited to, the following:

15 (1) The staff of a diversion facility shall
16 provide supervision in accordance with required
17 objectives set by the facility.

18 (2) Participants shall be required to maintain
19 employment.

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

23 (4) Each participant shall:

24 (A) provide restitution to victims in
25 accordance with any court order;

26 (B) provide financial support to his

1 dependents; and

2 (C) make appropriate payments toward any other
3 court-ordered obligations.

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

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

9 (7) Participants shall submit to drug and alcohol
10 screening.

11 (8) The Department shall promulgate rules
12 governing the administration of the program.

13 (r) To enter into intergovernmental cooperation
14 agreements under which persons in the custody of the
15 Department may participate in a county impact
16 incarceration program established under Section 3-6038 or
17 3-15003.5 of the Counties Code.

18 (r-5) (Blank).

19 (r-10) To systematically and routinely identify with
20 respect to each streetgang active within the correctional
21 system: (1) each active gang; (2) every existing
22 inter-gang affiliation or alliance; and (3) the current
23 leaders in each gang. The Department shall promptly
24 segregate leaders from inmates who belong to their gangs
25 and allied gangs. "Segregate" means no physical contact
26 and, to the extent possible under the conditions and space

1 available at the correctional facility, prohibition of
2 visual and sound communication. For the purposes of this
3 paragraph (r-10), "leaders" means persons who:

4 (i) are members of a criminal streetgang;

5 (ii) with respect to other individuals within the
6 streetgang, occupy a position of organizer,
7 supervisor, or other position of management or
8 leadership; and

9 (iii) are actively and personally engaged in
10 directing, ordering, authorizing, or requesting
11 commission of criminal acts by others, which are
12 punishable as a felony, in furtherance of streetgang
13 related activity both within and outside of the
14 Department of Corrections.

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

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

22 (t) To monitor any unprivileged conversation or any
23 unprivileged communication, whether in person or by mail,
24 telephone, or other means, between an inmate who, before
25 commitment to the Department, was a member of an organized
26 gang and any other person without the need to show cause or

1 satisfy any other requirement of law before beginning the
2 monitoring, except as constitutionally required. The
3 monitoring may be by video, voice, or other method of
4 recording or by any other means. As used in this
5 subdivision (1)(t), "organized gang" has the meaning
6 ascribed to it in Section 10 of the Illinois Streetgang
7 Terrorism Omnibus Prevention Act.

8 As used in this subdivision (1)(t), "unprivileged
9 conversation" or "unprivileged communication" means a
10 conversation or communication that is not protected by any
11 privilege recognized by law or by decision, rule, or order
12 of the Illinois Supreme Court.

13 (u) To establish a Women's and Children's Pre-release
14 Community Supervision Program for the purpose of providing
15 housing and services to eligible female inmates, as
16 determined by the Department, and their newborn and young
17 children.

18 (u-5) To issue an order, whenever a person committed
19 to the Department absconds or absents himself or herself,
20 without authority to do so, from any facility or program
21 to which he or she is assigned. The order shall be
22 certified by the Director, the Supervisor of the
23 Apprehension Unit, or any person duly designated by the
24 Director, with the seal of the Department affixed. The
25 order shall be directed to all sheriffs, coroners, and
26 police officers, or to any particular person named in the

1 order. Any order issued pursuant to this subdivision (1)
2 (u-5) shall be sufficient warrant for the officer or
3 person named in the order to arrest and deliver the
4 committed person to the proper correctional officials and
5 shall be executed the same as criminal process.

6 (u-6) To provide at every visiting waiting area, a
7 sign containing at a minimum, the following information in
8 bold block type, posted in a conspicuous place:

9 (1) a short statement notifying visitors of a
10 point of contact person to receive suggestions,
11 complaints, or other requests; and

12 (2) information on how to submit suggestions,
13 complaints, or other requests to a point of contact
14 person.

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

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

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

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

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

11 (5) On and after the date 6 months after August 16, 2013
12 (the effective date of Public Act 98-488), as provided in the
13 Executive Order 1 (2012) Implementation Act, all of the
14 powers, duties, rights, and responsibilities related to State
15 healthcare purchasing under this Code that were transferred
16 from the Department of Corrections to the Department of
17 Healthcare and Family Services by Executive Order 3 (2005) are
18 transferred back to the Department of Corrections; however,
19 powers, duties, rights, and responsibilities related to State
20 healthcare purchasing under this Code that were exercised by
21 the Department of Corrections before the effective date of
22 Executive Order 3 (2005) but that pertain to individuals
23 resident in facilities operated by the Department of Juvenile
24 Justice are transferred to the Department of Juvenile Justice.
25 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;
26 101-235, eff. 1-1-20.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".