



Sen. Robert F. Martwick

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10300SB3615sam001

LRB103 37237 RLC 71851 a

1 AMENDMENT TO SENATE BILL 3615

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3615 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 3-4-3 as follows:

6 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

7 Sec. 3-4-3. Funds and Property of Persons Committed.

8 (a) The Department of Corrections and the Department of  
9 Juvenile Justice shall establish accounting records with  
10 accounts for each person who has or receives money while in an  
11 institution or facility of that Department and it shall allow  
12 the withdrawal and disbursement of money by the person under  
13 rules and regulations of that Department. The Department of  
14 Juvenile Justice shall not be required to keep such deposited  
15 moneys in an interest-bearing bank account unless the annual  
16 interest earned would exceed the total annual costs and fees,

1 including, but not limited to, transaction fees, associated  
2 with maintaining the account. Any interest or other income  
3 which may be earned from moneys deposited with the Department  
4 by a resident of the Department of Juvenile Justice ~~in excess~~  
5 ~~of \$200~~ shall accrue to the individual's account if the  
6 monthly interest attributable to an individual's account  
7 exceeds \$1. All other, ~~or in~~ balances ~~up to \$200~~ shall accrue  
8 to the Residents' Benefit Fund. For an individual in an  
9 institution or facility of the Department of Corrections the  
10 interest shall accrue to the Residents' Benefit Fund. The  
11 Department shall disburse all moneys so held no later than the  
12 person's final discharge from the Department. Moneys in the  
13 account of a committed person who files a lawsuit determined  
14 frivolous under Article XXII of the Code of Civil Procedure  
15 shall be deducted to pay for the filing fees and cost of the  
16 suit as provided in that Article. The Department shall under  
17 rules and regulations record and receipt all personal property  
18 not allowed to committed persons. The Department shall return  
19 such property to the individual no later than the person's  
20 release on parole or aftercare.

21 (b) Any money held in accounts of committed persons  
22 separated from the Department by death, discharge, or  
23 unauthorized absence and unclaimed for a period of 1 year  
24 thereafter by the person or his legal representative shall be  
25 transmitted to the State Treasurer who shall deposit it into  
26 the General Revenue Fund. Articles of personal property of

1 persons so separated may be sold or used by the Department if  
2 unclaimed for a period of 1 year for the same purpose.  
3 Clothing, if unclaimed within 30 days, may be used or disposed  
4 of as determined by the Department.

5 (c) Forty percent of the profits on sales from commissary  
6 stores shall be expended by the Department for the special  
7 benefit of committed persons which shall include but not be  
8 limited to the advancement of inmate payrolls, for the special  
9 benefit of employees, and for the advancement or reimbursement  
10 of employee travel, provided that amounts expended for  
11 employees shall not exceed the amount of profits derived from  
12 sales made to employees by such commissaries, as determined by  
13 the Department. The remainder of the profits from sales from  
14 commissary stores must be used first to pay for wages and  
15 benefits of employees covered under a collective bargaining  
16 agreement who are employed at commissary facilities of the  
17 Department and then to pay the costs of dietary staff.

18 (d) The Department shall confiscate any unauthorized  
19 currency found in the possession of a committed person. The  
20 Department shall transmit the confiscated currency to the  
21 State Treasurer who shall deposit it into the General Revenue  
22 Fund.

23 (Source: P.A. 97-1083, eff. 8-24-12; 98-558, eff. 1-1-14.)".