

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by  
5 changing Section 15-25 and by adding Sections 45-67 and 45-70  
6 as follows:

7 (30 ILCS 500/15-25)

8 Sec. 15-25. Bulletin content.

9 (a) Invitations for bids. Notice of each and every contract  
10 that is offered, including renegotiated contracts and change  
11 orders, shall be published in the Bulletin. The applicable  
12 chief procurement officer may provide by rule an organized  
13 format for the publication of this information, but in any case  
14 it must include at least the date first offered, the date  
15 submission of offers is due, the location that offers are to be  
16 submitted to, the purchasing State agency, the responsible  
17 State purchasing officer, a brief purchase description, the  
18 method of source selection, ~~and~~ information of how to obtain a  
19 comprehensive purchase description and any disclosure and  
20 contract forms, and encouragement to prospective vendors to  
21 hire qualified veterans, as defined by Section 45-67 of this  
22 Code, and Illinois residents discharged from any Illinois adult  
23 correctional center.

24 (b) Contracts let or awarded. Notice of each and every  
25 contract that is let or awarded, including renegotiated  
26 contracts and change orders, shall be published in the next  
27 available subsequent Bulletin, and the applicable chief  
28 procurement officer may provide by rule an organized format for  
29 the publication of this information, but in any case it must  
30 include at least all of the information specified in subsection  
31 (a) as well as the name of the successful responsible bidder or  
32 offeror, the contract price, the number of unsuccessful

1 responsive bidders, and any other disclosure specified in any  
2 Section of this Code.

3 (c) Emergency purchase disclosure. Any chief procurement  
4 officer, State purchasing officer, or designee exercising  
5 emergency purchase authority under this Code shall publish a  
6 written description and reasons and the total cost, if known,  
7 or an estimate if unknown and the name of the responsible chief  
8 procurement officer and State purchasing officer, and the  
9 business or person contracted with for all emergency purchases  
10 in the next timely, practicable Bulletin.

11 (d) Other required disclosure. The applicable chief  
12 procurement officer shall provide by rule for the organized  
13 publication of all other disclosure required in other Sections  
14 of this Code in a timely manner.

15 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

16 (30 ILCS 500/45-67 new)

17 Sec. 45-67. Encouragement to hire qualified veterans. A  
18 chief procurement officer may, as part of any solicitation,  
19 encourage prospective vendors to consider hiring qualified  
20 veterans and to notify them of any available financial  
21 incentives or other advantages associated with hiring such  
22 persons. In establishing internal guidelines in furtherance of  
23 this Section, the Department of Central Management Services may  
24 work with an interagency advisory committee consisting of  
25 representatives from the Department of Veterans Affairs, the  
26 Department of Employment Security, the Department of Commerce  
27 and Economic Opportunity, and the Department of Revenue and  
28 consisting of 4 members of the General Assembly, 2 of whom are  
29 appointed by the Speaker of the House of Representatives and 2  
30 of whom are appointed by the President of the Senate.

31 For the purposes of this Section, "qualified veteran" means  
32 an Illinois resident who: (i) was a member of the Armed Forces  
33 of the United States, a member of the Illinois National Guard,  
34 or a member of any reserve component of the Armed Forces of the  
35 United States; (ii) served on active duty in connection with

1 Operation Desert Storm, Operation Enduring Freedom, or  
2 Operation Iraqi Freedom; and (iii) was honorably discharged.

3 The Department of Central Management Services must report  
4 to the Governor and to the General Assembly by December 31 of  
5 each year on the activities undertaken by chief procurement  
6 officers and the Department of Central Management Services to  
7 encourage prospective vendors to consider hiring qualified  
8 veterans. The report must include the number of vendors who  
9 have hired qualified veterans.

10 (30 ILCS 500/45-70 new)

11 Sec. 45-70. Encouragement to hire ex-offenders. A chief  
12 procurement officer may, as part of any solicitation, encourage  
13 prospective vendors to consider hiring Illinois residents  
14 discharged from any Illinois adult correctional center, in  
15 appropriate circumstances, and to notify them of any available  
16 financial incentives or other advantages associated with  
17 hiring such persons. In establishing internal guidelines in  
18 furtherance of this Section, the Department of Central  
19 Management Services may work with an interagency advisory  
20 committee consisting of representatives from the Department of  
21 Corrections, the Department of Employment Security, the  
22 Department of Juvenile Justice, the Department of Commerce and  
23 Economic Opportunity, and the Department of Revenue and  
24 consisting of 4 members of the General Assembly, 2 of whom are  
25 appointed by the Speaker of the House of Representatives and 2  
26 of whom are appointed by the President of the Senate.

27 The Department of Central Management Services must report  
28 to the Governor and to the General Assembly by December 31 of  
29 each year on the activities undertaken by chief procurement  
30 officers and the Department of Central Management Services to  
31 encourage prospective vendors to consider hiring Illinois  
32 residents who have been discharged from an Illinois adult  
33 correctional center. The report must include the number of  
34 vendors who have hired Illinois residents who have been  
35 discharged from any Illinois adult correctional center.

1 Section 10. The Illinois Income Tax Act is amended by  
2 adding Sections 216 and 217 as follows:

3 (35 ILCS 5/216 new)

4 Sec. 216. Credit for wages paid to ex-felons.

5 (a) For each taxable year beginning on or after January 1,  
6 2007, each taxpayer is entitled to a credit against the tax  
7 imposed by subsections (a) and (b) of Section 201 of this Act  
8 in an amount equal to 25% of that portion of federal work  
9 opportunity credit allowed to the taxpayer for the taxable year  
10 under Section 51 of the Internal Revenue Code that is  
11 attributable to the qualified first-year wages paid by the  
12 taxpayer to one or more Illinois residents who are eligible  
13 offenders, as defined under Section 5-5.5-5 of the Unified Code  
14 of Corrections.

15 (b) For purposes of this Section, if the general business  
16 credit allowed to the taxpayer under Section 38 of the Internal  
17 Revenue Code exceeds the taxpayer's federal income tax  
18 liability for the taxable year, so that a portion of the credit  
19 earned in the taxable year is carried over to other taxable  
20 years, then for purposes of the calculation of the credit under  
21 this Section, the portion of the general business credit that  
22 is attributable to the qualified first-year wages paid by the  
23 taxpayer to one or more Illinois residents who are qualified  
24 ex-felons is deemed to have been taken in full in the taxable  
25 year it is earned, to the extent that portion does not exceed  
26 the total general business credit otherwise allowed for the  
27 taxable year.

28 (c) In no event shall a credit under this Section reduce  
29 the taxpayer's liability to less than zero. If the amount of  
30 the credit exceeds the tax liability for the year, the excess  
31 may be carried forward and applied to the tax liability of the  
32 5 taxable years following the excess credit year. The tax  
33 credit shall be applied to the earliest year for which there is  
34 a tax liability. If there are credits for more than one year

1 that are available to offset a liability, the earlier credit  
2 shall be applied first.

3 (35 ILCS 5/217 new)

4 Sec. 217. Credit for wages paid to qualified veterans.

5 (a) For each taxable year beginning on or after January 1,  
6 2007, each taxpayer is entitled to a credit against the tax  
7 imposed by subsections (a) and (b) of Section 201 of this Act  
8 in an amount equal to 5%, but in no event to exceed \$600, of the  
9 gross wages paid by the taxpayer to a qualified veteran in the  
10 course of that veteran's sustained employment during the  
11 taxable year.

12 (b) For purposes of this Section:

13 "Qualified veteran" means an Illinois resident who: (i) was  
14 a member of the Armed Forces of the United States, a member of  
15 the Illinois National Guard, or a member of any reserve  
16 component of the Armed Forces of the United States; (ii) served  
17 on active duty in connection with Operation Desert Storm,  
18 Operation Enduring Freedom, or Operation Iraqi Freedom; (iii)  
19 was honorably discharged; and (iv) was initially hired by the  
20 taxpayer on or after January 1, 2007.

21 "Sustained employment" means a period of employment that is  
22 not less than 185 days during the taxable year.

23 (c) In no event shall a credit under this Section reduce  
24 the taxpayer's liability to less than zero. If the amount of  
25 the credit exceeds the tax liability for the year, the excess  
26 may be carried forward and applied to the tax liability of the  
27 5 taxable years following the excess credit year. The tax  
28 credit shall be applied to the earliest year for which there is  
29 a tax liability. If there are credits for more than one year  
30 that are available to offset a liability, the earlier credit  
31 shall be applied first.

32 Section 15. The Unified Code of Corrections is amended by  
33 changing Sections 3-2-2, 5-5-5, and 5-5.5-5 as follows:

1 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

2 (Text of Section before amendment by P.A. 94-696)

3 Sec. 3-2-2. Powers and Duties of the Department.

4 (1) In addition to the powers, duties and responsibilities  
5 which are otherwise provided by law, the Department shall have  
6 the following powers:

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

13 (b) To develop and maintain reception and evaluation  
14 units for purposes of analyzing the custody and  
15 rehabilitation needs of persons committed to it and to  
16 assign such persons to institutions and programs under its  
17 control or transfer them to other appropriate agencies. In  
18 consultation with the Department of Alcoholism and  
19 Substance Abuse (now the Department of Human Services), the  
20 Department of Corrections shall develop a master plan for  
21 the screening and evaluation of persons committed to its  
22 custody who have alcohol or drug abuse problems, and for  
23 making appropriate treatment available to such persons;  
24 the Department shall report to the General Assembly on such  
25 plan not later than April 1, 1987. The maintenance and  
26 implementation of such plan shall be contingent upon the  
27 availability of funds.

28 (b-1) To create and implement, on January 1, 2002, a  
29 pilot program to establish the effectiveness of  
30 pupillometer technology (the measurement of the pupil's  
31 reaction to light) as an alternative to a urine test for  
32 purposes of screening and evaluating persons committed to  
33 its custody who have alcohol or drug problems. The pilot  
34 program shall require the pupillometer technology to be  
35 used in at least one Department of Corrections facility.  
36 The Director may expand the pilot program to include an

1 additional facility or facilities as he or she deems  
2 appropriate. A minimum of 4,000 tests shall be included in  
3 the pilot program. The Department must report to the  
4 General Assembly on the effectiveness of the program by  
5 January 1, 2003.

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

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

21 Pursuant to its power to establish new institutions and  
22 facilities, the Department may authorize the Department of  
23 Central Management Services to accept bids from counties  
24 and municipalities for the construction, remodeling or  
25 conversion of a structure to be leased to the Department of  
26 Corrections for the purposes of its serving as a  
27 correctional institution or facility. Such construction,  
28 remodeling or conversion may be financed with revenue bonds  
29 issued pursuant to the Industrial Building Revenue Bond Act  
30 by the municipality or county. The lease specified in a bid  
31 shall be for a term of not less than the time needed to  
32 retire any revenue bonds used to finance the project, but  
33 not to exceed 40 years. The lease may grant to the State  
34 the option to purchase the structure outright.

35 Upon receipt of the bids, the Department may certify  
36 one or more of the bids and shall submit any such bids to

1 the General Assembly for approval. Upon approval of a bid  
2 by a constitutional majority of both houses of the General  
3 Assembly, pursuant to joint resolution, the Department of  
4 Central Management Services may enter into an agreement  
5 with the county or municipality pursuant to such bid.

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

19 (d) To develop and maintain programs of control,  
20 rehabilitation and employment of committed persons within  
21 its institutions.

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

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

26 (f) To establish in cooperation with the Department of  
27 Transportation to supply a sufficient number of prisoners  
28 for use by the Department of Transportation to clean up the  
29 trash and garbage along State, county, township, or  
30 municipal highways as designated by the Department of  
31 Transportation. The Department of Corrections, at the  
32 request of the Department of Transportation, shall furnish  
33 such prisoners at least annually for a period to be agreed  
34 upon between the Director of Corrections and the Director  
35 of Transportation. The prisoners used on this program shall  
36 be selected by the Director of Corrections on whatever



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

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

23 (h) To investigate the grievances of any person  
24 committed to the Department, to inquire into any alleged  
25 misconduct by employees or committed persons, and to  
26 investigate the assets of committed persons to implement  
27 Section 3-7-6 of this Code; and for these purposes it may  
28 issue subpoenas and compel the attendance of witnesses and  
29 the production of writings and papers, and may examine  
30 under oath any witnesses who may appear before it; to also  
31 investigate alleged violations of a parolee's or  
32 releasee's conditions of parole or release; and for this  
33 purpose it may issue subpoenas and compel the attendance of  
34 witnesses and the production of documents only if there is  
35 reason to believe that such procedures would provide  
36 evidence that such violations have occurred.

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

6           (i) To appoint and remove the chief administrative  
7 officers, and administer programs of training and  
8 development of personnel of the Department. Personnel  
9 assigned by the Department to be responsible for the  
10 custody and control of committed persons or to investigate  
11 the alleged misconduct of committed persons or employees or  
12 alleged violations of a parolee's or releasee's conditions  
13 of parole shall be conservators of the peace for those  
14 purposes, and shall have the full power of peace officers  
15 outside of the facilities of the Department in the  
16 protection, arrest, retaking and reconfining of committed  
17 persons or where the exercise of such power is necessary to  
18 the investigation of such misconduct or violations.

19           (j) To cooperate with other departments and agencies  
20 and with local communities for the development of standards  
21 and programs for better correctional services in this  
22 State.

23           (k) To administer all moneys and properties of the  
24 Department.

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

27           (1-5) In a confidential annual report to the Governor,  
28 the Department shall identify all inmate gangs by  
29 specifying each current gang's name, population and allied  
30 gangs. The Department shall further specify the number of  
31 top leaders identified by the Department for each gang  
32 during the past year, and the measures taken by the  
33 Department to segregate each leader from his or her gang  
34 and allied gangs. The Department shall further report the  
35 current status of leaders identified and segregated in  
36 previous years. All leaders described in the report shall

1 be identified by inmate number or other designation to  
2 enable tracking, auditing, and verification without  
3 revealing the names of the leaders. Because this report  
4 contains law enforcement intelligence information  
5 collected by the Department, the report is confidential and  
6 not subject to public disclosure.

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

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

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

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

24 (q) To establish a diversion program.

25 The program shall provide a structured environment for  
26 selected technical parole or mandatory supervised release  
27 violators and committed persons who have violated the rules  
28 governing their conduct while in work release. This program  
29 shall not apply to those persons who have committed a new  
30 offense while serving on parole or mandatory supervised  
31 release or while committed to work release.

32 Elements of the program shall include, but shall not be  
33 limited to, the following:

34 (1) The staff of a diversion facility shall provide  
35 supervision in accordance with required objectives set  
36 by the facility.

1           (2) Participants shall be required to maintain  
2 employment.

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

6           (4) Each participant shall:

7               (A) provide restitution to victims in  
8 accordance with any court order;

9               (B) provide financial support to his  
10 dependents; and

11               (C) make appropriate payments toward any other  
12 court-ordered obligations.

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

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

18           (7) Participants shall submit to drug and alcohol  
19 screening.

20           (8) The Department shall promulgate rules  
21 governing the administration of the program.

22           (r) To enter into intergovernmental cooperation  
23 agreements under which persons in the custody of the  
24 Department may participate in a county impact  
25 incarceration program established under Section 3-6038 or  
26 3-15003.5 of the Counties Code.

27           (r-5) To enter into intergovernmental cooperation  
28 agreements under which minors adjudicated delinquent and  
29 committed to the Department of Corrections, Juvenile  
30 Division, may participate in a county juvenile impact  
31 incarceration program established under Section 3-6039 of  
32 the Counties Code.

33           (r-10) To systematically and routinely identify with  
34 respect to each streetgang active within the correctional  
35 system: (1) each active gang; (2) every existing inter-gang  
36 affiliation or alliance; and (3) the current leaders in

1 each gang. The Department shall promptly segregate leaders  
2 from inmates who belong to their gangs and allied gangs.  
3 "Segregate" means no physical contact and, to the extent  
4 possible under the conditions and space available at the  
5 correctional facility, prohibition of visual and sound  
6 communication. For the purposes of this paragraph (r-10),  
7 "leaders" means persons who:

8 (i) are members of a criminal streetgang;

9 (ii) with respect to other individuals within the  
10 streetgang, occupy a position of organizer,  
11 supervisor, or other position of management or  
12 leadership; and

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

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

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

26 (t) To monitor any unprivileged conversation or any  
27 unprivileged communication, whether in person or by mail,  
28 telephone, or other means, between an inmate who, before  
29 commitment to the Department, was a member of an organized  
30 gang and any other person without the need to show cause or  
31 satisfy any other requirement of law before beginning the  
32 monitoring, except as constitutionally required. The  
33 monitoring may be by video, voice, or other method of  
34 recording or by any other means. As used in this  
35 subdivision (1)(t), "organized gang" has the meaning  
36 ascribed to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

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

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

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

14 (2) The Department of Corrections shall by January 1, 1998,  
15 consider building and operating a correctional facility within  
16 100 miles of a county of over 2,000,000 inhabitants, especially  
17 a facility designed to house juvenile participants in the  
18 impact incarceration program.

19 (3) When the Department lets bids for contracts for medical  
20 services to be provided to persons committed to Department  
21 facilities by a health maintenance organization, medical  
22 service corporation, or other health care provider, the bid may  
23 only be let to a health care provider that has obtained an  
24 irrevocable letter of credit or performance bond issued by a  
25 company whose bonds are rated AAA by a bond rating  
26 organization.

27 (4) When the Department lets bids for contracts for food or  
28 commissary services to be provided to Department facilities,  
29 the bid may only be let to a food or commissary services  
30 provider that has obtained an irrevocable letter of credit or  
31 performance bond issued by a company whose bonds are rated AAA  
32 by a bond rating organization.

33 (Source: P.A. 92-444, eff. 1-1-02; 92-712, eff. 1-1-03; 93-839,  
34 eff. 7-30-04; revised 12-15-05.)

35 (Text of Section after amendment by P.A. 94-696)

1           Sec. 3-2-2. Powers and Duties of the Department.

2           (1) In addition to the powers, duties and responsibilities  
3 which are otherwise provided by law, the Department shall have  
4 the following powers:

5           (a) To accept persons committed to it by the courts of  
6 this State for care, custody, treatment and  
7 rehabilitation, and to accept federal prisoners and aliens  
8 over whom the Office of the Federal Detention Trustee is  
9 authorized to exercise the federal detention function for  
10 limited purposes and periods of time.

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

26           (b-1) To create and implement, on January 1, 2002, a  
27 pilot program to establish the effectiveness of  
28 pupillometer technology (the measurement of the pupil's  
29 reaction to light) as an alternative to a urine test for  
30 purposes of screening and evaluating persons committed to  
31 its custody who have alcohol or drug problems. The pilot  
32 program shall require the pupillometer technology to be  
33 used in at least one Department of Corrections facility.  
34 The Director may expand the pilot program to include an  
35 additional facility or facilities as he or she deems  
36 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 each  
6 inmate from commitment through release for recording his or  
7 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 into  
14 an agreement of the type described in subsection (d) of  
15 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 and  
20 facilities, the Department may authorize the Department of  
21 Central Management Services to accept bids from counties  
22 and municipalities for the construction, remodeling or  
23 conversion of a structure to be leased to the Department of  
24 Corrections for the purposes of its serving as a  
25 correctional institution or facility. Such construction,  
26 remodeling or conversion may be financed with revenue bonds  
27 issued pursuant to the Industrial Building Revenue Bond Act  
28 by the municipality or county. The lease specified in a bid  
29 shall be for a term of not less than the time needed to  
30 retire any revenue bonds used to finance the project, but  
31 not to exceed 40 years. The lease may grant to the State  
32 the option to purchase the structure outright.

33 Upon receipt of the bids, the Department may certify  
34 one or more of the bids and shall submit any such bids to  
35 the General Assembly for approval. Upon approval of a bid  
36 by a constitutional majority of both houses of the General



1 Assembly, pursuant to joint resolution, the Department of  
2 Central Management Services may enter into an agreement  
3 with the county or municipality pursuant to such bid.

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

17 (d) To develop and maintain programs of control,  
18 rehabilitation and employment of committed persons within  
19 its institutions.

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

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

24 (f) To establish in cooperation with the Department of  
25 Transportation to supply a sufficient number of prisoners  
26 for use by the Department of Transportation to clean up the  
27 trash and garbage along State, county, township, or  
28 municipal highways as designated by the Department of  
29 Transportation. The Department of Corrections, at the  
30 request of the Department of Transportation, shall furnish  
31 such prisoners at least annually for a period to be agreed  
32 upon between the Director of Corrections and the Director  
33 of Transportation. The prisoners used on this program shall  
34 be selected by the Director of Corrections on whatever  
35 basis he deems proper in consideration of their term,  
36 behavior and earned eligibility to participate in such

1 program - where they will be outside of the prison facility  
2 but still in the custody of the Department of Corrections.  
3 Prisoners convicted of first degree murder, or a Class X  
4 felony, or armed violence, or aggravated kidnapping, or  
5 criminal sexual assault, aggravated criminal sexual abuse  
6 or a subsequent conviction for criminal sexual abuse, or  
7 forcible detention, or arson, or a prisoner adjudged a  
8 Habitual Criminal shall not be eligible for selection to  
9 participate in such program. The prisoners shall remain as  
10 prisoners in the custody of the Department of Corrections  
11 and such Department shall furnish whatever security is  
12 necessary. The Department of Transportation shall furnish  
13 trucks and equipment for the highway cleanup program and  
14 personnel to supervise and direct the program. Neither the  
15 Department of Corrections nor the Department of  
16 Transportation shall replace any regular employee with a  
17 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, to inquire into any alleged  
23 misconduct by employees or committed persons, and to  
24 investigate the assets of committed persons to implement  
25 Section 3-7-6 of this Code; and for these purposes it may  
26 issue subpoenas and compel the attendance of witnesses and  
27 the production of writings and papers, and may examine  
28 under oath any witnesses who may appear before it; to also  
29 investigate alleged violations of a parolee's or  
30 releasee's conditions of parole or release; and for this  
31 purpose it may issue subpoenas and compel the attendance of  
32 witnesses and the production of documents only if there is  
33 reason to believe that such procedures would provide  
34 evidence that such violations have occurred.

35 If any person fails to obey a subpoena issued under  
36 this subsection, the Director may apply to any circuit

1 court to secure compliance with the subpoena. The failure  
2 to comply with the order of the court issued in response  
3 thereto shall be punishable as contempt of court.

4 (i) To appoint and remove the chief administrative  
5 officers, and administer programs of training and  
6 development of personnel of the Department. Personnel  
7 assigned by the Department to be responsible for the  
8 custody and control of committed persons or to investigate  
9 the alleged misconduct of committed persons or employees or  
10 alleged violations of a parolee's or releasee's conditions  
11 of parole shall be conservators of the peace for those  
12 purposes, and shall have the full power of peace officers  
13 outside of the facilities of the Department in the  
14 protection, arrest, retaking and reconfining of committed  
15 persons or where the exercise of such power is necessary to  
16 the investigation of such misconduct or violations.

17 (j) To cooperate with other departments and agencies  
18 and with local communities for the development of standards  
19 and programs for better correctional services in this  
20 State.

21 (k) To administer all moneys and properties of the  
22 Department.

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

25 (l-5) In a confidential annual report to the Governor,  
26 the Department shall identify all inmate gangs by  
27 specifying each current gang's name, population and allied  
28 gangs. The Department shall further specify the number of  
29 top leaders identified by the Department for each gang  
30 during the past year, and the measures taken by the  
31 Department to segregate each leader from his or her gang  
32 and allied gangs. The Department shall further report the  
33 current status of leaders identified and segregated in  
34 previous years. All leaders described in the report shall  
35 be identified by inmate number or other designation to  
36 enable tracking, auditing, and verification without

1 revealing the names of the leaders. Because this report  
2 contains law enforcement intelligence information  
3 collected by the Department, the report is confidential and  
4 not subject to public disclosure.

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

7 (n) To establish rules and regulations for  
8 administering a system of good conduct credits,  
9 established in accordance with Section 3-6-3, subject to  
10 review by the Prisoner Review Board.

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

16 (p) To exchange information with the Department of  
17 Human Services and the ~~Illinois~~ Department of Healthcare  
18 and Family Services ~~Public Aid~~ for the purpose of verifying  
19 living arrangements and for other purposes directly  
20 connected with the administration of this Code and the  
21 Illinois Public Aid Code.

22 (q) To establish a diversion program.

23 The program shall provide a structured environment for  
24 selected technical parole or mandatory supervised release  
25 violators and committed persons who have violated the rules  
26 governing their conduct while in work release. This program  
27 shall not apply to those persons who have committed a new  
28 offense while serving on parole or mandatory supervised  
29 release or while committed to work release.

30 Elements of the program shall include, but shall not be  
31 limited to, the following:

32 (1) The staff of a diversion facility shall provide  
33 supervision in accordance with required objectives set  
34 by the facility.

35 (2) Participants shall be required to maintain  
36 employment.

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

4           (4) Each participant shall:

5                 (A) provide restitution to victims in  
6                 accordance with any court order;

7                 (B) provide financial support to his  
8                 dependents; and

9                 (C) make appropriate payments toward any other  
10                court-ordered obligations.

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

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

16          (7) Participants shall submit to drug and alcohol  
17          screening.

18          (8) The Department shall promulgate rules  
19          governing the administration of the program.

20          (r) To enter into intergovernmental cooperation  
21          agreements under which persons in the custody of the  
22          Department may participate in a county impact  
23          incarceration program established under Section 3-6038 or  
24          3-15003.5 of the Counties Code.

25          (r-5) (Blank).

26          (r-10) To systematically and routinely identify with  
27          respect to each streetgang active within the correctional  
28          system: (1) each active gang; (2) every existing inter-gang  
29          affiliation or alliance; and (3) the current leaders in  
30          each gang. The Department shall promptly segregate leaders  
31          from inmates who belong to their gangs and allied gangs.  
32          "Segregate" means no physical contact and, to the extent  
33          possible under the conditions and space available at the  
34          correctional facility, prohibition of visual and sound  
35          communication. For the purposes of this paragraph (r-10),  
36          "leaders" means persons who:

- 1 (i) are members of a criminal streetgang;
- 2 (ii) with respect to other individuals within the  
3 streetgang, occupy a position of organizer,  
4 supervisor, or other position of management or  
5 leadership; and
- 6 (iii) are actively and personally engaged in  
7 directing, ordering, authorizing, or requesting  
8 commission of criminal acts by others, which are  
9 punishable as a felony, in furtherance of streetgang  
10 related activity both within and outside of the  
11 Department of Corrections.

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

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

19 (t) To monitor any unprivileged conversation or any  
20 unprivileged communication, whether in person or by mail,  
21 telephone, or other means, between an inmate who, before  
22 commitment to the Department, was a member of an organized  
23 gang and any other person without the need to show cause or  
24 satisfy any other requirement of law before beginning the  
25 monitoring, except as constitutionally required. The  
26 monitoring may be by video, voice, or other method of  
27 recording or by any other means. As used in this  
28 subdivision (1)(t), "organized gang" has the meaning  
29 ascribed to it in Section 10 of the Illinois Streetgang  
30 Terrorism Omnibus Prevention Act.

31 As used in this subdivision (1)(t), "unprivileged  
32 conversation" or "unprivileged communication" means a  
33 conversation or communication that is not protected by any  
34 privilege recognized by law or by decision, rule, or order  
35 of the Illinois Supreme Court.

36 (u) To establish a Women's and Children's Pre-release

1 Community Supervision Program for the purpose of providing  
2 housing and services to eligible female inmates, as  
3 determined by the Department, and their newborn and young  
4 children.

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

7 (2) The Department of Corrections shall by January 1, 1998,  
8 consider building and operating a correctional facility within  
9 100 miles of a county of over 2,000,000 inhabitants, especially  
10 a facility designed to house juvenile participants in the  
11 impact incarceration program.

12 (3) When the Department lets bids for contracts for medical  
13 services to be provided to persons committed to Department  
14 facilities by a health maintenance organization, medical  
15 service corporation, or other health care provider, the bid may  
16 only be let to a health care provider that has obtained an  
17 irrevocable letter of credit or performance bond issued by a  
18 company whose bonds are rated AAA by a bond rating  
19 organization.

20 (4) When the Department lets bids for contracts for food or  
21 commissary services to be provided to Department facilities,  
22 the bid may only be let to a food or commissary services  
23 provider that has obtained an irrevocable letter of credit or  
24 performance bond issued by a company whose bonds are rated AAA  
25 by a bond rating organization.

26 (Source: P.A. 93-839, eff. 7-30-04; 94-696, eff. 6-1-06;  
27 revised 12-15-05.)

28 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

29 Sec. 5-5-5. Loss and Restoration of Rights.

30 (a) Conviction and disposition shall not entail the loss by  
31 the defendant of any civil rights, except under this Section  
32 and Sections 29-6 and 29-10 of The Election Code, as now or  
33 hereafter amended.

34 (b) A person convicted of a felony shall be ineligible to  
35 hold an office created by the Constitution of this State until

1 the completion of his sentence.

2 (c) A person sentenced to imprisonment shall lose his right  
3 to vote until released from imprisonment.

4 (d) On completion of sentence of imprisonment or upon  
5 discharge from probation, conditional discharge or periodic  
6 imprisonment, or at any time thereafter, all license rights and  
7 privileges granted under the authority of this State which have  
8 been revoked or suspended because of conviction of an offense  
9 shall be restored unless the authority having jurisdiction of  
10 such license rights finds after investigation and hearing that  
11 restoration is not in the public interest. This paragraph (d)  
12 shall not apply to the suspension or revocation of a license to  
13 operate a motor vehicle under the Illinois Vehicle Code.

14 (e) Upon a person's discharge from incarceration or parole,  
15 or upon a person's discharge from probation or at any time  
16 thereafter, the committing court may enter an order certifying  
17 that the sentence has been satisfactorily completed when the  
18 court believes it would assist in the rehabilitation of the  
19 person and be consistent with the public welfare. Such order  
20 may be entered upon the motion of the defendant or the State or  
21 upon the court's own motion.

22 (f) Upon entry of the order, the court shall issue to the  
23 person in whose favor the order has been entered a certificate  
24 stating that his behavior after conviction has warranted the  
25 issuance of the order.

26 (g) This Section shall not affect the right of a defendant  
27 to collaterally attack his conviction or to rely on it in bar  
28 of subsequent proceedings for the same offense.

29 (h) No application for any license specified in subsection  
30 (i) of this Section granted under the authority of this State  
31 shall be denied by reason of an eligible offender who has  
32 obtained a certificate of relief from disabilities, as defined  
33 in Article 5.5 of this Chapter, having been previously  
34 convicted of one or more criminal offenses, or by reason of a  
35 finding of lack of "good moral character" when the finding is  
36 based upon the fact that the applicant has previously been



1 convicted of one or more criminal offenses, unless:

2 (1) there is a direct relationship between one or more  
3 of the previous criminal offenses and the specific license  
4 sought; or

5 (2) the issuance of the license would involve an  
6 unreasonable risk to property or to the safety or welfare  
7 of specific individuals or the general public.

8 In making such a determination, the licensing agency shall  
9 consider the following factors:

10 (1) the public policy of this State, as expressed in  
11 Article 5.5 of this Chapter, to encourage the licensure and  
12 employment of persons previously convicted of one or more  
13 criminal offenses;

14 (2) the specific duties and responsibilities  
15 necessarily related to the license being sought;

16 (3) the bearing, if any, the criminal offenses or  
17 offenses for which the person was previously convicted will  
18 have on his or her fitness or ability to perform one or  
19 more such duties and responsibilities;

20 (4) the time which has elapsed since the occurrence of  
21 the criminal offense or offenses;

22 (5) the age of the person at the time of occurrence of  
23 the criminal offense or offenses;

24 (6) the seriousness of the offense or offenses;

25 (7) any information produced by the person or produced  
26 on his or her behalf in regard to his or her rehabilitation  
27 and good conduct, including a certificate of relief from  
28 disabilities issued to the applicant, which certificate  
29 shall create a presumption of rehabilitation in regard to  
30 the offense or offenses specified in the certificate; and

31 (8) the legitimate interest of the licensing agency in  
32 protecting property, and the safety and welfare of specific  
33 individuals or the general public.

34 (i) A certificate of relief from disabilities shall be  
35 issued only for a license or certification issued under the  
36 following Acts:

1 (1) the Animal Welfare Act; except that a certificate  
2 of relief from disabilities may not be granted to provide  
3 for the issuance or restoration of a license under the  
4 Animal Welfare Act for any person convicted of violating  
5 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
6 Care for Animals Act or Section 26-5 of the Criminal Code  
7 of 1961;

8 (2) the Illinois Athletic Trainers Practice Act;

9 (3) the Barber, Cosmetology, Esthetics, and Nail  
10 Technology Act of 1985;

11 (4) the Boiler and Pressure Vessel Repairer Regulation  
12 Act;

13 (5) the Professional Boxing Act;

14 (6) the Illinois Certified Shorthand Reporters Act of  
15 1984;

16 (7) the Illinois Farm Labor Contractor Certification  
17 Act;

18 (8) the Interior Design Title Act;

19 (9) the Illinois Professional Land Surveyor Act of  
20 1989;

21 (10) the Illinois Landscape Architecture Act of 1989;

22 (11) the Marriage and Family Therapy Licensing Act;

23 (12) the Private Employment Agency Act;

24 (13) the Professional Counselor and Clinical  
25 Professional Counselor Licensing Act;

26 (14) the Real Estate License Act of 2000;

27 (15) the Illinois Roofing Industry Licensing Act;

28 (16) the Professional Engineering Practice Act of  
29 1989;

30 (17) the Water Well and Pump Installation Contractor's  
31 License Act; ~~and~~

32 (18) the Electrologist Licensing Act; ~~and~~

33 (19) the Auction License Act;

34 (20) Illinois Architecture Practice Act of 1989;

35 (21) the Dietetic and Nutrition Services Practice Act;

36 (22) the Environmental Health Practitioner Licensing

1           Act;  
2           (23) the Funeral Directors and Embalmers Licensing  
3           Code;  
4           (24) the Land Sales Registration Act of 1999;  
5           (25) the Professional Geologist Licensing Act;  
6           (26) the Illinois Public Accounting Act; and  
7           (27) the Structural Engineering Practice Act of 1989.

8           (Source: P.A. 93-207, eff. 1-1-04; 93-914, eff. 1-1-05.)

9           (730 ILCS 5/5-5.5-5)

10           Sec. 5-5.5-5. Definitions and rules of construction. In  
11 this Article:

12           "Eligible offender" means a person who has been convicted  
13 of a crime or of an offense that is not a crime of violence as  
14 defined in Section 2 of the Crime Victims Compensation Act, a  
15 Class X or a nonprobationable offense, or a violation of  
16 Article 11 or Article 12 of the Criminal Code of 1961, but who  
17 has not been convicted more than twice ~~once~~ of a felony.

18           "Felony" means a conviction of a felony in this State, or  
19 of an offense in any other jurisdiction for which a sentence to  
20 a term of imprisonment in excess of one year, was authorized.

21           For the purposes of this Article the following rules of  
22 construction apply:

23           (i) two or more convictions of felonies charged in  
24 separate counts of one indictment or information shall be  
25 deemed to be one conviction;

26           (ii) two or more convictions of felonies charged in 2  
27 or more indictments or informations, filed in the same  
28 court prior to entry of judgment under any of them, shall  
29 be deemed to be one conviction; and

30           (iii) a plea or a verdict of guilty upon which a  
31 sentence of probation, conditional discharge, or  
32 supervision has been imposed shall be deemed to be a  
33 conviction.

34           (Source: P.A. 93-207, eff. 1-1-04.)

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.