



Sen. Kimberly A. Lightford

Adopted in Senate on Apr 11, 2006

09400SB1279sam001

LRB094 04921 BDD 58276 a

1 AMENDMENT TO SENATE BILL 1279

2 AMENDMENT NO. _____. Amend Senate Bill 1279 by replacing
3 everything after the enacting clause with the following:

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

1 contract that is let or awarded, including renegotiated
2 contracts and change orders, shall be published in the next
3 available subsequent Bulletin, and the applicable chief
4 procurement officer may provide by rule an organized format for
5 the publication of this information, but in any case it must
6 include at least all of the information specified in subsection
7 (a) as well as the name of the successful responsible bidder or
8 offeror, the contract price, the number of unsuccessful
9 responsive bidders, and any other disclosure specified in any
10 Section of this Code.

11 (c) Emergency purchase disclosure. Any chief procurement
12 officer, State purchasing officer, or designee exercising
13 emergency purchase authority under this Code shall publish a
14 written description and reasons and the total cost, if known,
15 or an estimate if unknown and the name of the responsible chief
16 procurement officer and State purchasing officer, and the
17 business or person contracted with for all emergency purchases
18 in the next timely, practicable Bulletin.

19 (d) Other required disclosure. The applicable chief
20 procurement officer shall provide by rule for the organized
21 publication of all other disclosure required in other Sections
22 of this Code in a timely manner.

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

24 (30 ILCS 500/45-67 new)

25 Sec. 45-67. Encouragement to hire qualified veterans. A
26 chief procurement officer may, as part of any solicitation,
27 encourage prospective vendors to consider hiring qualified
28 veterans and to notify them of any available financial
29 incentives or other advantages associated with hiring such
30 persons. In establishing internal guidelines in furtherance of
31 this Section, the Department of Central Management Services may
32 work with an interagency advisory committee consisting of
33 representatives from the Department of Veterans Affairs, the

1 Department of Employment Security, the Department of Commerce
2 and Economic Opportunity, and the Department of Revenue and
3 consisting of 4 members of the General Assembly, 2 of whom are
4 appointed by the Speaker of the House of Representatives and 2
5 of whom are appointed by the President of the Senate.

6 For the purposes of this Section, "qualified veteran" means
7 an Illinois resident who: (i) was a member of the Armed Forces
8 of the United States, a member of the Illinois National Guard,
9 or a member of any reserve component of the Armed Forces of the
10 United States; (ii) served on active duty in connection with
11 Operation Desert Storm, Operation Enduring Freedom, or
12 Operation Iraqi Freedom; and (iii) was honorably discharged.

13 The Department of Central Management Services must report
14 to the Governor and to the General Assembly by December 31 of
15 each year on the activities undertaken by chief procurement
16 officers and the Department of Central Management Services to
17 encourage prospective vendors to consider hiring qualified
18 veterans. The report must include the number of vendors who
19 have hired qualified veterans.

20 (30 ILCS 500/45-70 new)

21 Sec. 45-70. Encouragement to hire ex-offenders. A chief
22 procurement officer may, as part of any solicitation, encourage
23 prospective vendors to consider hiring Illinois residents
24 discharged from any Illinois adult correctional center, in
25 appropriate circumstances, and to notify them of any available
26 financial incentives or other advantages associated with
27 hiring such persons. In establishing internal guidelines in
28 furtherance of this Section, the Department of Central
29 Management Services may work with an interagency advisory
30 committee consisting of representatives from the Department of
31 Corrections, the Department of Employment Security, the
32 Department of Juvenile Justice, the Department of Commerce and
33 Economic Opportunity, and the Department of Revenue and

1 consisting of 4 members of the General Assembly, 2 of whom are
2 appointed by the Speaker of the House of Representatives and 2
3 of whom are appointed by the President of the Senate.

4 The Department of Central Management Services must report
5 to the Governor and to the General Assembly by December 31 of
6 each year on the activities undertaken by chief procurement
7 officers and the Department of Central Management Services to
8 encourage prospective vendors to consider hiring Illinois
9 residents who have been discharged from an Illinois adult
10 correctional center. The report must include the number of
11 vendors who have hired Illinois residents who have been
12 discharged from any Illinois adult correctional center.

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

15 (35 ILCS 5/216 new)

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

17 (a) For each taxable year beginning on or after January 1,
18 2007, each taxpayer is entitled to a credit against the tax
19 imposed by subsections (a) and (b) of Section 201 of this Act
20 in an amount equal to 25% of that portion of federal work
21 opportunity credit allowed to the taxpayer for the taxable year
22 under Section 51 of the Internal Revenue Code that is
23 attributable to the qualified first-year wages paid by the
24 taxpayer to one or more Illinois residents who are eligible
25 offenders, as defined under Section 5-5.5-5 of the Unified Code
26 of Corrections.

27 (b) For purposes of this Section, if the general business
28 credit allowed to the taxpayer under Section 38 of the Internal
29 Revenue Code exceeds the taxpayer's federal income tax
30 liability for the taxable year, so that a portion of the credit
31 earned in the taxable year is carried over to other taxable
32 years, then for purposes of the calculation of the credit under

1 this Section, the portion of the general business credit that
2 is attributable to the qualified first-year wages paid by the
3 taxpayer to one or more Illinois residents who are qualified
4 ex-felons is deemed to have been taken in full in the taxable
5 year it is earned, to the extent that portion does not exceed
6 the total general business credit otherwise allowed for the
7 taxable year.

8 (c) In no event shall a credit under this Section reduce
9 the taxpayer's liability to less than zero. If the amount of
10 the credit exceeds the tax liability for the year, the excess
11 may be carried forward and applied to the tax liability of the
12 5 taxable years following the excess credit year. The tax
13 credit shall be applied to the earliest year for which there is
14 a tax liability. If there are credits for more than one year
15 that are available to offset a liability, the earlier credit
16 shall be applied first.

17 (35 ILCS 5/217 new)

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

19 (a) For each taxable year beginning on or after January 1,
20 2007, each taxpayer is entitled to a credit against the tax
21 imposed by subsections (a) and (b) of Section 201 of this Act
22 in an amount equal to 5%, but in no event to exceed \$600, of the
23 gross wages paid by the taxpayer to a qualified veteran in the
24 course of that veteran's sustained employment during the
25 taxable year.

26 (b) For purposes of this Section:

27 "Qualified veteran" means an Illinois resident who: (i) was
28 a member of the Armed Forces of the United States, a member of
29 the Illinois National Guard, or a member of any reserve
30 component of the Armed Forces of the United States; (ii) served
31 on active duty in connection with Operation Desert Storm,
32 Operation Enduring Freedom, or Operation Iraqi Freedom; (iii)
33 was honorably discharged; and (iv) was initially hired by the

1 taxpayer on or after January 1, 2007.

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

4 (c) In no event shall a credit under this Section reduce
5 the taxpayer's liability to less than zero. If the amount of
6 the credit exceeds the tax liability for the year, the excess
7 may be carried forward and applied to the tax liability of the
8 5 taxable years following the excess credit year. The tax
9 credit shall be applied to the earliest year for which there is
10 a tax liability. If there are credits for more than one year
11 that are available to offset a liability, the earlier credit
12 shall be applied first.

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

15 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

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

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

18 (1) In addition to the powers, duties and responsibilities
19 which are otherwise provided by law, the Department shall have
20 the following powers:

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

27 (b) To develop and maintain reception and evaluation
28 units for purposes of analyzing the custody and
29 rehabilitation needs of persons committed to it and to
30 assign such persons to institutions and programs under its
31 control or transfer them to other appropriate agencies. In
32 consultation with the Department of Alcoholism and

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

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

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

28 (c) To maintain and administer all State correctional
29 institutions and facilities under its control and to
30 establish new ones as needed. Pursuant to its power to
31 establish new institutions and facilities, the Department
32 may, with the written approval of the Governor, authorize
33 the Department of Central Management Services to enter into
34 an agreement of the type described in subsection (d) of

1 Section 405-300 of the Department of Central Management
2 Services Law (20 ILCS 405/405-300). The Department shall
3 designate those institutions which shall constitute the
4 State Penitentiary System.

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

19 Upon receipt of the bids, the Department may certify
20 one or more of the bids and shall submit any such bids to
21 the General Assembly for approval. Upon approval of a bid
22 by a constitutional majority of both houses of the General
23 Assembly, pursuant to joint resolution, the Department of
24 Central Management Services may enter into an agreement
25 with the county or municipality pursuant to such bid.

26 (c-5) To build and maintain regional juvenile
27 detention centers and to charge a per diem to the counties
28 as established by the Department to defray the costs of
29 housing each minor in a center. In this subsection (c-5),
30 "juvenile detention center" means a facility to house
31 minors during pendency of trial who have been transferred
32 from proceedings under the Juvenile Court Act of 1987 to
33 prosecutions under the criminal laws of this State in
34 accordance with Section 5-805 of the Juvenile Court Act of

1 1987, whether the transfer was by operation of law or
2 permissive under that Section. The Department shall
3 designate the counties to be served by each regional
4 juvenile detention center.

5 (d) To develop and maintain programs of control,
6 rehabilitation and employment of committed persons within
7 its institutions.

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

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 Director
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.
27 Prisoners convicted of first degree murder, or a Class X
28 felony, or armed violence, or aggravated kidnapping, or
29 criminal sexual assault, aggravated criminal sexual abuse
30 or a subsequent conviction for criminal sexual abuse, or
31 forcible detention, or arson, or a prisoner adjudged a
32 Habitual Criminal shall not be eligible for selection to
33 participate in such program. The prisoners shall remain as
34 prisoners in the custody of the Department of Corrections

1 and such Department shall furnish whatever security is
2 necessary. The Department of Transportation shall furnish
3 trucks and equipment for the highway cleanup program and
4 personnel to supervise and direct the program. Neither the
5 Department of Corrections nor the Department of
6 Transportation shall replace any regular employee with a
7 prisoner.

8 (g) To maintain records of persons committed to it and
9 to establish programs of research, statistics and
10 planning.

11 (h) To investigate the grievances of any person
12 committed to the Department, to inquire into any alleged
13 misconduct by employees or committed persons, and to
14 investigate the assets of committed persons to implement
15 Section 3-7-6 of this Code; and for these purposes it may
16 issue subpoenas and compel the attendance of witnesses and
17 the production of writings and papers, and may examine
18 under oath any witnesses who may appear before it; to also
19 investigate alleged violations of a parolee's or
20 releasee's conditions of parole or release; and for this
21 purpose it may issue subpoenas and compel the attendance of
22 witnesses and the production of documents only if there is
23 reason to believe that such procedures would provide
24 evidence that such violations have occurred.

25 If any person fails to obey a subpoena issued under
26 this subsection, the Director may apply to any circuit
27 court to secure compliance with the subpoena. The failure
28 to comply with the order of the court issued in response
29 thereto shall be punishable as contempt of court.

30 (i) To appoint and remove the chief administrative
31 officers, and administer programs of training and
32 development of personnel of the Department. Personnel
33 assigned by the Department to be responsible for the
34 custody and control of committed persons or to investigate

1 the alleged misconduct of committed persons or employees or
2 alleged violations of a parolee's or releasee's conditions
3 of parole shall be conservators of the peace for those
4 purposes, and shall have the full power of peace officers
5 outside of the facilities of the Department in the
6 protection, arrest, retaking and reconfining of committed
7 persons or where the exercise of such power is necessary to
8 the investigation of such misconduct or violations.

9 (j) To cooperate with other departments and agencies
10 and with local communities for the development of standards
11 and programs for better correctional services in this
12 State.

13 (k) To administer all moneys and properties of the
14 Department.

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

17 (l-5) In a confidential annual report to the Governor,
18 the Department shall identify all inmate gangs by
19 specifying each current gang's name, population and allied
20 gangs. The Department shall further specify the number of
21 top leaders identified by the Department for each gang
22 during the past year, and the measures taken by the
23 Department to segregate each leader from his or her gang
24 and allied gangs. The Department shall further report the
25 current status of leaders identified and segregated in
26 previous years. All leaders described in the report shall
27 be identified by inmate number or other designation to
28 enable tracking, auditing, and verification without
29 revealing the names of the leaders. Because this report
30 contains law enforcement intelligence information
31 collected by the Department, the report is confidential and
32 not subject to public disclosure.

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

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

5 (o) To administer the distribution of funds from the
6 State Treasury to reimburse counties where State penal
7 institutions are located for the payment of assistant
8 state's attorneys' salaries under Section 4-2001 of the
9 Counties Code.

10 (p) To exchange information with the Department of
11 Human Services and the ~~Illinois~~ Department of Healthcare
12 and Family Services ~~Public Aid~~ for the purpose of verifying
13 living arrangements and for other purposes directly
14 connected with the administration of this Code and the
15 Illinois Public Aid Code.

16 (q) To establish a diversion program.

17 The program shall provide a structured environment for
18 selected technical parole or mandatory supervised release
19 violators and committed persons who have violated the rules
20 governing their conduct while in work release. This program
21 shall not apply to those persons who have committed a new
22 offense while serving on parole or mandatory supervised
23 release or while committed to work release.

24 Elements of the program shall include, but shall not be
25 limited to, the following:

26 (1) The staff of a diversion facility shall provide
27 supervision in accordance with required objectives set
28 by the facility.

29 (2) Participants shall be required to maintain
30 employment.

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

34 (4) Each participant shall:

1 (A) provide restitution to victims in
2 accordance with any court order;

3 (B) provide financial support to his
4 dependents; and

5 (C) make appropriate payments toward any other
6 court-ordered obligations.

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

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

12 (7) Participants shall submit to drug and alcohol
13 screening.

14 (8) The Department shall promulgate rules
15 governing the administration of the program.

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

21 (r-5) To enter into intergovernmental cooperation
22 agreements under which minors adjudicated delinquent and
23 committed to the Department of Corrections, Juvenile
24 Division, may participate in a county juvenile impact
25 incarceration program established under Section 3-6039 of
26 the Counties Code.

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

1 correctional facility, prohibition of visual and sound
2 communication. For the purposes of this paragraph (r-10),
3 "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 disruptive
20 or dangerous and provide for the safety and security of the
21 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
27 satisfy any other requirement of law before beginning the
28 monitoring, except as constitutionally required. The
29 monitoring may be by video, voice, or other method of
30 recording or by any other means. As used in this
31 subdivision (1)(t), "organized gang" has the meaning
32 ascribed to it in Section 10 of the Illinois Streetgang
33 Terrorism Omnibus Prevention Act.

34 As used in this subdivision (1)(t), "unprivileged

1 conversation" or "unprivileged communication" means a
2 conversation or communication that is not protected by any
3 privilege recognized by law or by decision, rule, or order
4 of the Illinois Supreme Court.

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

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

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

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

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

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

33 (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

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.

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

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

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

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

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

28 (f) To establish in cooperation with the Department of
29 Transportation to supply a sufficient number of prisoners
30 for use by the Department of Transportation to clean up the
31 trash and garbage along State, county, township, or
32 municipal highways as designated by the Department of
33 Transportation. The Department of Corrections, at the
34 request of the Department of Transportation, shall furnish

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

24 (g) To maintain records of persons committed to it and
25 to establish programs of research, statistics and
26 planning.

27 (h) To investigate the grievances of any person
28 committed to the Department, to inquire into any alleged
29 misconduct by employees or committed persons, and to
30 investigate the assets of committed persons to implement
31 Section 3-7-6 of this Code; and for these purposes it may
32 issue subpoenas and compel the attendance of witnesses and
33 the production of writings and papers, and may examine
34 under oath any witnesses who may appear before it; to also

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

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

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

25 (j) To cooperate with other departments and agencies
26 and with local communities for the development of standards
27 and programs for better correctional services in this
28 State.

29 (k) To administer all moneys and properties of the
30 Department.

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

33 (l-5) In a confidential annual report to the Governor,
34 the Department shall identify all inmate gangs by

1 specifying each current gang's name, population and allied
2 gangs. The Department shall further specify the number of
3 top leaders identified by the Department for each gang
4 during the past year, and the measures taken by the
5 Department to segregate each leader from his or her gang
6 and allied gangs. The Department shall further report the
7 current status of leaders identified and segregated in
8 previous years. All leaders described in the report shall
9 be identified by inmate number or other designation to
10 enable tracking, auditing, and verification without
11 revealing the names of the leaders. Because this report
12 contains law enforcement intelligence information
13 collected by the Department, the report is confidential and
14 not subject to public disclosure.

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

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

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

26 (p) To exchange information with the Department of
27 Human Services and the ~~Illinois~~ Department of Healthcare
28 and Family Services ~~Public Aid~~ for the purpose of verifying
29 living arrangements and for other purposes directly
30 connected with the administration of this Code and the
31 Illinois Public Aid Code.

32 (q) To establish a diversion program.

33 The program shall provide a structured environment for
34 selected technical parole or mandatory supervised release

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

6 Elements of the program shall include, but shall not be
7 limited to, the following:

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

11 (2) Participants shall be required to maintain
12 employment.

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

16 (4) Each participant shall:

17 (A) provide restitution to victims in
18 accordance with any court order;

19 (B) provide financial support to his
20 dependents; and

21 (C) make appropriate payments toward any other
22 court-ordered obligations.

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

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

28 (7) Participants shall submit to drug and alcohol
29 screening.

30 (8) The Department shall promulgate rules
31 governing the administration of the program.

32 (r) To enter into intergovernmental cooperation
33 agreements under which persons in the custody of the
34 Department may participate in a county impact

1 incarceration program established under Section 3-6038 or
2 3-15003.5 of the Counties Code.

3 (r-5) (Blank).

4 (r-10) To systematically and routinely identify with
5 respect to each streetgang active within the correctional
6 system: (1) each active gang; (2) every existing inter-gang
7 affiliation or alliance; and (3) the current leaders in
8 each gang. The Department shall promptly segregate leaders
9 from inmates who belong to their gangs and allied gangs.
10 "Segregate" means no physical contact and, to the extent
11 possible under the conditions and space available at the
12 correctional facility, prohibition of visual and sound
13 communication. For the purposes of this paragraph (r-10),
14 "leaders" means persons who:

15 (i) are members of a criminal streetgang;

16 (ii) with respect to other individuals within the
17 streetgang, occupy a position of organizer,
18 supervisor, or other position of management or
19 leadership; and

20 (iii) are actively and personally engaged in
21 directing, ordering, authorizing, or requesting
22 commission of criminal acts by others, which are
23 punishable as a felony, in furtherance of streetgang
24 related activity both within and outside of the
25 Department of Corrections.

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

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

33 (t) To monitor any unprivileged conversation or any
34 unprivileged communication, whether in person or by mail,

1 telephone, or other means, between an inmate who, before
2 commitment to the Department, was a member of an organized
3 gang and any other person without the need to show cause or
4 satisfy any other requirement of law before beginning the
5 monitoring, except as constitutionally required. The
6 monitoring may be by video, voice, or other method of
7 recording or by any other means. As used in this
8 subdivision (1)(t), "organized gang" has the meaning
9 ascribed to it in Section 10 of the Illinois Streetgang
10 Terrorism Omnibus Prevention Act.

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

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

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

23 (2) The Department of Corrections shall by January 1, 1998,
24 consider building and operating a correctional facility within
25 100 miles of a county of over 2,000,000 inhabitants, especially
26 a facility designed to house juvenile participants in the
27 impact incarceration program.

28 (3) When the Department lets bids for contracts for medical
29 services to be provided to persons committed to Department
30 facilities by a health maintenance organization, medical
31 service corporation, or other health care provider, the bid may
32 only be let to a health care provider that has obtained an
33 irrevocable letter of credit or performance bond issued by a
34 company whose bonds are rated AAA by a bond rating

1 organization.

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

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

10 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

16 (b) A person convicted of a felony shall be ineligible to
17 hold an office created by the Constitution of this State until
18 the completion of his sentence.

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

21 (d) On completion of sentence of imprisonment or upon
22 discharge from probation, conditional discharge or periodic
23 imprisonment, or at any time thereafter, all license rights and
24 privileges granted under the authority of this State which have
25 been revoked or suspended because of conviction of an offense
26 shall be restored unless the authority having jurisdiction of
27 such license rights finds after investigation and hearing that
28 restoration is not in the public interest. This paragraph (d)
29 shall not apply to the suspension or revocation of a license to
30 operate a motor vehicle under the Illinois Vehicle Code.

31 (e) Upon a person's discharge from incarceration or parole,
32 or upon a person's discharge from probation or at any time
33 thereafter, the committing court may enter an order certifying

1 that the sentence has been satisfactorily completed when the
2 court believes it would assist in the rehabilitation of the
3 person and be consistent with the public welfare. Such order
4 may be entered upon the motion of the defendant or the State or
5 upon the court's own motion.

6 (f) Upon entry of the order, the court shall issue to the
7 person in whose favor the order has been entered a certificate
8 stating that his behavior after conviction has warranted the
9 issuance of the order.

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

13 (h) No application for any license specified in subsection
14 (i) of this Section granted under the authority of this State
15 shall be denied by reason of an eligible offender who has
16 obtained a certificate of relief from disabilities, as defined
17 in Article 5.5 of this Chapter, having been previously
18 convicted of one or more criminal offenses, or by reason of a
19 finding of lack of "good moral character" when the finding is
20 based upon the fact that the applicant has previously been
21 convicted of one or more criminal offenses, unless:

22 (1) there is a direct relationship between one or more
23 of the previous criminal offenses and the specific license
24 sought; or

25 (2) the issuance of the license would involve an
26 unreasonable risk to property or to the safety or welfare
27 of specific individuals or the general public.

28 In making such a determination, the licensing agency shall
29 consider the following factors:

30 (1) the public policy of this State, as expressed in
31 Article 5.5 of this Chapter, to encourage the licensure and
32 employment of persons previously convicted of one or more
33 criminal offenses;

34 (2) the specific duties and responsibilities

1 necessarily related to the license being sought;

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

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

8 (5) the age of the person at the time of occurrence of
9 the criminal offense or offenses;

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

11 (7) any information produced by the person or produced
12 on his or her behalf in regard to his or her rehabilitation
13 and good conduct, including a certificate of relief from
14 disabilities issued to the applicant, which certificate
15 shall create a presumption of rehabilitation in regard to
16 the offense or offenses specified in the certificate; and

17 (8) the legitimate interest of the licensing agency in
18 protecting property, and the safety and welfare of specific
19 individuals or the general public.

20 (i) A certificate of relief from disabilities shall be
21 issued only for a license or certification issued under the
22 following Acts:

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

30 (2) the Illinois Athletic Trainers Practice Act;

31 (3) the Barber, Cosmetology, Esthetics, and Nail
32 Technology Act of 1985;

33 (4) the Boiler and Pressure Vessel Repairer Regulation
34 Act;

- 1 (5) the Professional Boxing Act;
- 2 (6) the Illinois Certified Shorthand Reporters Act of
3 1984;
- 4 (7) the Illinois Farm Labor Contractor Certification
5 Act;
- 6 (8) the Interior Design Title Act;
- 7 (9) the Illinois Professional Land Surveyor Act of
8 1989;
- 9 (10) the Illinois Landscape Architecture Act of 1989;
- 10 (11) the Marriage and Family Therapy Licensing Act;
- 11 (12) the Private Employment Agency Act;
- 12 (13) the Professional Counselor and Clinical
13 Professional Counselor Licensing Act;
- 14 (14) the Real Estate License Act of 2000;
- 15 (15) the Illinois Roofing Industry Licensing Act;
- 16 (16) the Professional Engineering Practice Act of
17 1989;
- 18 (17) the Water Well and Pump Installation Contractor's
19 License Act; ~~and~~
- 20 (18) the Electrologist Licensing Act;~~;~~
- 21 (19) the Auction License Act;
- 22 (20) Illinois Architecture Practice Act of 1989;
- 23 (21) the Dietetic and Nutrition Services Practice Act;
- 24 (22) the Environmental Health Practitioner Licensing
25 Act;
- 26 (23) the Funeral Directors and Embalmers Licensing
27 Code;
- 28 (24) the Land Sales Registration Act of 1999;
- 29 (25) the Professional Geologist Licensing Act;
- 30 (26) the Illinois Public Accounting Act; and
- 31 (27) the Structural Engineering Practice Act of 1989.

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

1 Sec. 5-5.5-5. Definitions and rules of construction. In
2 this Article:

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

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

12 For the purposes of this Article the following rules of
13 construction apply:

14 (i) two or more convictions of felonies charged in
15 separate counts of one indictment or information shall be
16 deemed to be one conviction;

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

21 (iii) a plea or a verdict of guilty upon which a
22 sentence of probation, conditional discharge, or
23 supervision has been imposed shall be deemed to be a
24 conviction.

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

26 Section 95. No acceleration or delay. Where this Act makes
27 changes in a statute that is represented in this Act by text
28 that is not yet or no longer in effect (for example, a Section
29 represented by multiple versions), the use of that text does
30 not accelerate or delay the taking effect of (i) the changes
31 made by this Act or (ii) provisions derived from any other
32 Public Act.

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