



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2490

Introduced 1/18/2006, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-15003.7 new

730 ILCS 5/3-7-2a

730 ILCS 5/3-7-2c new

730 ILCS 125/16

from Ch. 38, par. 1003-7-2a

from Ch. 75, par. 116

Amends the Counties Code. Provides that no person shall possess or use tobacco in any of its forms in an institution or facility of the County Department of Corrections. Amends the Unified Code of Corrections. Provides that no person shall possess or use tobacco in any of its forms in an institution or facility of the Department. Deletes a provision requiring the selling prices for all goods to be sufficient to cover the costs of the goods and an additional charge of up to 35% for tobacco products if the facility maintains a commissary or commissaries. Amends the County Jail Act. Provides that the Warden of the jail or other person shall not permit any person to possess or use tobacco in any of its forms in the jail. Effective January 1, 2007, except that the changes to the Counties Code are effective July 1, 2007.

LRB094 18454 RLC 53768 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Counties Code is amended by adding Section  
5 3-15003.7 as follows:

6 (55 ILCS 5/3-15003.7 new)

7 Sec. 3-15003.7. Facilities; tobacco prohibited. No person  
8 shall possess or use tobacco in any of its forms in an  
9 institution or facility of the Department.

10 Section 10. The Unified Code of Corrections is amended by  
11 changing Section 3-7-2a and by adding Section 3-7-2c as  
12 follows:

13 (730 ILCS 5/3-7-2a) (from Ch. 38, par. 1003-7-2a)

14 Sec. 3-7-2a. If a facility maintains a commissary or  
15 commissaries, the selling prices for all goods shall be  
16 sufficient to cover the costs of the goods and an additional  
17 charge of up to ~~35% for tobacco products and up to~~ 25% for  
18 non-tobacco products. The amount of the additional charges for  
19 goods sold at commissaries shall be based upon the amount  
20 necessary to pay for the wages and benefits of commissary  
21 employees who are employed in commissary facilities of the  
22 Department. The Department shall determine the additional  
23 charges upon any changes in wages and benefits of commissary  
24 employees as negotiated in the collective bargaining  
25 agreement. A compliance audit of all commissaries and the  
26 distribution of commissary funds shall be included in the  
27 regular compliance audit of the Department conducted by the  
28 Auditor General in accordance with the Illinois State Auditing  
29 Act.

30 Items purchased for sale at any such commissary shall be

1 purchased, wherever possible, at wholesale costs. If a facility  
2 maintains a commissary or commissaries as of the effective date  
3 of this amendatory Act of the 93rd General Assembly, the  
4 Department may not contract with a private contractor or vendor  
5 to operate, manage, or perform any portion of the commissary  
6 services. The Department may not enter into any such contract  
7 for commissary services at a facility that opens subsequent to  
8 the effective date of this amendatory Act of the 93rd General  
9 Assembly.

10 (Source: P.A. 93-607, eff. 1-1-04.)

11 (730 ILCS 5/3-7-2c new)

12 Sec. 3-7-2c. Facilities; smoking ban. No person shall  
13 possess or use tobacco in any of its forms in an institution or  
14 facility of the Department.

15 Section 15. The County Jail Act is amended by changing  
16 Section 16 as follows:

17 (730 ILCS 125/16) (from Ch. 75, par. 116)

18 Sec. 16. Alcohol, controlled substances, and tobacco  
19 prohibited.

20 (a) The Warden of the jail or other person shall not permit  
21 any prisoner to send for or have any alcoholic beverages or  
22 controlled substances except when prescribed by a physician as  
23 medicine.

24 (b) The Warden of the jail or other person shall not permit  
25 any person to possess or use tobacco in any of its forms in the  
26 jail.

27 (Source: P.A. 83-1073.)

28 Section 99. Effective date. This Act takes effect on  
29 January 1, 2007, except that the changes to Division 3-15 of  
30 Article 3 of the Counties Code take effect on July 1, 2007.