



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB3049**

Introduced 1/20/2006, by Sen. John O. Jones

**SYNOPSIS AS INTRODUCED:**

730 ILCS 5/3-12-2

from Ch. 38, par. 1003-12-2

Amends the Unified Code of Corrections. Re-enacts the provisions of Section 3-12-2 of the Code, relating to recovery of the costs of incarceration from money received by an inmate from works created as an avocation and not in the course of a work program. This Section was affected by Public Act 88-669, which has been held to be unconstitutional as a violation of the single subject clause of the Illinois Constitution. Includes validation provisions. Effective immediately.

LRB094 18776 EFG 54170 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT in relation to criminal law.

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

4 Section 1. Findings; purpose; validation.

5 (a) The General Assembly finds and declares that:

6 (1) Public Act 88-669, effective November 29, 1994,  
7 contained provisions amending Section 3-12-2 of the  
8 Unified Code of Corrections, relating to recovery of the  
9 costs of incarceration from money received by an inmate  
10 from works created as an avocation and not in the course of  
11 a work program. Public Act 88-669 also contained other  
12 provisions.

13 (2) The Illinois Supreme Court declared Public Act  
14 88-669 to be unconstitutional as a violation of the single  
15 subject clause of the Illinois Constitution in *People v.*  
16 *Olender*, Docket No. 98932, opinion filed December 15, 2005.

17 (b) The purpose of this Act is to re-enact the provisions  
18 of Section 3-12-2 of the Unified Code of Corrections and to  
19 minimize or prevent any problems concerning those provisions  
20 that may arise from the unconstitutionality of Public Act  
21 88-669. This re-enactment is intended to remove any question as  
22 to the validity and content of those provisions; it is not  
23 intended to supersede any other Public Act that amends the  
24 provisions re-enacted in this Act. The re-enacted material is  
25 shown in this Act as existing text (i.e., without underscoring)  
26 and may include changes made by subsequent amendments.

27 (c) The re-enactment of Section 3-12-2 of the Unified Code  
28 of Corrections by this Act is not intended, and shall not be  
29 construed, to impair any legal argument concerning whether  
30 those provisions were substantially re-enacted by any other  
31 Public Act.

32 (d) All otherwise lawful actions taken before the effective  
33 date of this Act in reliance on or pursuant to the provisions

1 re-enacted by this Act, as those provisions were set forth in  
2 Public Act 88-669 or as subsequently amended, by any officer,  
3 employee, or agency of State government or by any other person  
4 or entity, are hereby validated, except to the extent  
5 prohibited under the Illinois or United States Constitution.

6 (e) This Act applies, without limitation, to actions  
7 pending on or after the effective date of this Act, except to  
8 the extent prohibited under the Illinois or United States  
9 Constitution.

10 Section 5. The Unified Code of Corrections is amended by  
11 re-enacting Section 3-12-2 as follows:

12 (730 ILCS 5/3-12-2) (from Ch. 38, par. 1003-12-2)

13 Sec. 3-12-2. Types of employment.

14 (a) The Department may establish, maintain, train and  
15 employ committed persons in industries for the production of  
16 articles, materials or supplies for resale to authorized  
17 purchasers. It may also employ committed persons on public  
18 works, buildings and property, the conservation of natural  
19 resources of the State, anti-pollution or environmental  
20 control projects, or for other public purposes, for the  
21 maintenance of the Department's buildings and properties and  
22 for the production of food or other necessities for its  
23 programs. The Department may establish, maintain and employ  
24 committed persons in the production of vehicle registration  
25 plates. A committed person's labor shall not be sold,  
26 contracted or hired out by the Department except under this  
27 Article and under Section 3-9-2.

28 (b) Works of art, literature, handicraft or other items  
29 produced by committed persons as an avocation and not as a  
30 product of a work program of the Department may be sold to the  
31 public under rules and regulations established by the  
32 Department. The cost of selling such products may be deducted  
33 from the proceeds, and the balance shall be credited to the  
34 person's account under Section 3-4-3. The Department shall

1 notify the Attorney General of the existence of any proceeds  
2 which it believes should be applied towards a satisfaction, in  
3 whole or in part, of the person's incarceration costs.

4 (Source: P.A. 88-669, eff. 11-29-94; 88-679, eff. 7-1-95.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.