

1 AN ACT concerning Illinois Correctional Industries.

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 45-30 as follows:

6 (30 ILCS 500/45-30)

7 Sec. 45-30. Illinois Correctional industries.
8 Notwithstanding anything to the contrary in other law, the
9 chief procurement officer of the Department of Central
10 Management Services shall, in consultation with Illinois
11 Correctional Industries ~~the Department of Corrections,~~
12 determine for all State agencies which articles, materials,
13 industry related services, food stuffs, and finished goods
14 ~~supplies~~ that are produced or manufactured by inmate workers
15 employed in Illinois Correctional Industries programs ~~persons~~
16 ~~confined in institutions and facilities of the Department of~~
17 ~~Corrections~~ shall be purchased from Illinois Correctional
18 Industries ~~given preference by purchasing agencies procuring~~
19 ~~these items.~~ The chief procurement officer of Central
20 Management Services shall develop and distribute to the various
21 purchasing and using agencies a listing of all Illinois
22 Correctional Industries products and procedures for
23 implementing this Section.

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

2 Section 10. The Unified Code of Corrections is amended by
3 changing Sections 3-12-2, 3-12-3a, 3-12-6, and 3-12-7 as
4 follows:

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

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

7 (a) The Department shall provide inmate workers for
8 Illinois Correctional Industries to work in programs
9 established to ~~The Department may establish, maintain,~~ train
10 and employ committed persons in ~~industries for~~ the production
11 of food products and finished goods and any articles, materials
12 or supplies for resale to State agencies and authorized
13 purchasers. It may also employ committed persons on public
14 works, buildings and property, the conservation of natural
15 resources of the State, anti-pollution or environmental
16 control projects, or for other public purposes, for the
17 maintenance of the Department's buildings and properties and
18 for the production of food or other necessities for its
19 programs. The Department may establish, maintain and employ
20 committed persons in the production of vehicle registration
21 plates. A committed person's labor shall not be sold,
22 contracted or hired out by the Department except under this
23 Article and under Section 3-9-2.

24 (b) Works of art, literature, handicraft or other items

1 produced by committed persons as an avocation and not as a
2 product of a work program of the Department may be sold to the
3 public under rules and regulations established by the
4 Department. The cost of selling such products may be deducted
5 from the proceeds, and the balance shall be credited to the
6 person's account under Section 3-4-3. The Department shall
7 notify the Attorney General of the existence of any proceeds
8 which it believes should be applied towards a satisfaction, in
9 whole or in part, of the person's incarceration costs.

10 (Source: P.A. 94-1017, eff. 7-7-06.)

11 (730 ILCS 5/3-12-3a) (from Ch. 38, par. 1003-12-3a)

12 Sec. 3-12-3a. (a) Contracts, ~~leases~~ and business
13 agreements. The Department shall ~~may~~ enter into a contract, ~~r~~
14 ~~lease~~ or ~~any~~ other type of business agreement with Illinois
15 Correctional Industries, not to exceed 20 years, with any
16 ~~private corporation, partnership, person or other business~~
17 ~~entity~~ for the purpose of utilizing committed persons in the
18 manufacture of food products, finished goods or wares of
19 Illinois Correctional Industries. ~~in the provision of~~
20 ~~services or for any other business or commercial enterprise~~
21 ~~deemed by the Department to be consistent with proper training~~
22 ~~and rehabilitation of committed persons.~~

23 Illinois Correctional Industries' spending authority shall
24 be separate and apart from the Department's budget and
25 appropriations. Control of Illinois Correctional Industries

1 accounting processes and budget requests to the General
2 Assembly, other budgetary processes, audits by the Office of
3 the Auditor General, and computer processes shall be returned
4 to Illinois Correctional Industries.

5 (b) The Department shall be permitted to construct
6 buildings on State property for the purposes identified in
7 subsection (a) and to lease for a period not to exceed 20 years
8 any building or portion thereof on State property for the
9 purposes identified in subsection (a).

10 (c) Any contract, ~~lease~~ or other business agreement
11 referenced in subsection (a), shall include a provision
12 requiring that all committed persons assigned receive in
13 connection with their assignment such vocational training
14 and/or apprenticeship programs as the Department deems
15 appropriate.

16 (d) Committed persons assigned in accordance with this
17 Section shall be compensated in accordance with the provisions
18 of Section 3-12-5.

19 (Source: P.A. 86-450.)

20 (730 ILCS 5/3-12-6) (from Ch. 38, par. 1003-12-6)

21 Sec. 3-12-6. Programs. ~~Industrial Production; Location;~~
22 ~~Assignment.~~ Illinois Correctional Industries shall establish
23 commercial, business, and manufacturing programs on behalf of
24 the State of Illinois for the sale of finished goods and
25 processed food and beverages to the State, its political units,

1 its agencies, and public institutions. Illinois Correctional
2 Industries shall establish, operate, and maintain
3 manufacturing and food and beverage production in the
4 Department of Corrections facilities and provide food for the
5 Department of Corrections institutions and for the mental
6 health and developmental disabilities institutions of the
7 Department of Human Services and the institutions of the
8 Department of Veterans' Affairs for consumption in those
9 agencies' institutions.

10 Illinois Correctional Industries shall be administered by
11 a chief executive officer. The chief executive officer shall
12 report to the Director of the Department. The Director may not
13 delegate direction of Illinois Correctional Industries
14 management and fiscal processes formally or indirectly to any
15 other division, component, or contractor of the Department. The
16 chief executive officer shall be responsible for all persons
17 assigned to the institution or facility that are employed in
18 Industries programs. The chief executive officer shall
19 administer the commercial and business programs for inmate
20 workers in the custody of the Department of Corrections.

21 The chief executive officer shall have such assistants as
22 are required for sales staff, manufacturing, budget, fiscal,
23 accounting, computer, human services, and personnel as
24 necessary to run its commercial and business programs.

25 ~~The Department shall establish or cause to be established~~
26 ~~industrial production at its institutions and facilities to~~

1 ~~secure the most practical and efficient use of labor. The~~
2 ~~office for coordinating such industrial production~~ Illinois
3 Correctional Industries shall be located in Springfield. The
4 chief executive officer of Illinois Correctional Industries ~~It~~
5 shall assign ~~its~~ personnel to direct the production of goods
6 and shall employ committed persons assigned by the chief
7 administrative officer. The Department of Corrections may ~~also~~
8 direct ~~such~~ vocational programs that the Department deems
9 necessary for the rehabilitation of inmates. Such programs
10 shall not compete, interfere, or be in conflict with the
11 missions and programs of Illinois Correctional Industries ~~as~~
12 ~~the institution or facility may require as a part of the~~
13 ~~employment program.~~

14 (Source: P.A. 80-728.)

15 (730 ILCS 5/3-12-7) (from Ch. 38, par. 1003-12-7)

16 Sec. 3-12-7. Purchasers; Allocation.

17 (a) The State, its political units, its agencies and public
18 institutions shall purchase from Illinois Correctional
19 Industries ~~the Department~~ all manufactured goods, articles,
20 materials, industry related services, food stuffs, and
21 supplies required by them which are produced or manufactured by
22 persons confined in institutions and facilities of the
23 Department that are employed in Illinois Correctional
24 Industries programs. The Secretary of State may purchase from
25 the Department vehicle registration plates produced by persons

1 confined in institutions and facilities of the Department. The
2 Secretary shall determine reasonable specifications and prices
3 of such vehicle registration plates as agreed upon with the
4 Department. Not-for-profit corporations chartered in Illinois
5 or other States may purchase such goods and services. Units of
6 the Federal government and units of government in other States
7 may also purchase such goods and services. All entities which
8 contract with the State, its political units, its agencies, its
9 public institutions or not-for-profit corporations chartered
10 in Illinois, may purchase goods or services from the Department
11 which are used in the performance of such contracts. Nothing
12 shall prohibit the Department from bidding on portions of a
13 State contract which are subcontracted by the primary
14 contractor. The public may purchase crushed limestone and lime
15 dust for agricultural and horticultural purposes and hardwood.
16 Illinois Correctional Industries ~~The Department~~ may also sell
17 grain from its agricultural operations on the open market. All
18 other articles, materials, industry related services, food
19 stuffs and supplies which are produced or manufactured by
20 persons confined in institutions and facilities of the
21 Department shall be available for sale on the open market.

22 (b) Allocation of goods shall be made in the following
23 manner:

24 (1) first, for needs of the Department of Corrections and
25 the Department of Human Services;

26 (2) second, for the State, its agencies and public

1 institutions;

2 (3) third, for those political subdivisions of the State
3 and their agencies in which the producing institution or
4 facility of the Department is located;

5 (4) fourth, for other political subdivisions of the State
6 and their agencies and public institutions;

7 (5) fifth, for sale on the open market;

8 (6) sixth, for not for profit corporations chartered in
9 Illinois;

10 (7) seventh, for units of government in other states;

11 (8) eighth, for units of the Federal government;

12 (9) ninth, for not-for-profit organizations chartered in
13 other states;

14 (10) tenth, all other permitted purchasers.

15 (c) Exemption from required purchases shall be on
16 certification of Illinois Correctional Industries ~~the~~
17 ~~Department~~ that the items to be purchased ~~requested~~ are not
18 manufactured by Illinois Correctional Industries ~~then~~
19 ~~available~~.

20 (Source: P.A. 86-450.)

21 (730 ILCS 5/3-12-12 rep.)

22 Section 15. The Unified Code of Corrections is amended by
23 repealing Section 3-12-12.

24 Section 99. Effective date. This Act takes effect on July
25 1, 2010.