



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4798

Introduced 1/12/2010, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-30	
730 ILCS 5/3-12-2	from Ch. 38, par. 1003-12-2
730 ILCS 5/3-12-3a	from Ch. 38, par. 1003-12-3a
730 ILCS 5/3-12-6	from Ch. 38, par. 1003-12-6
730 ILCS 5/3-12-7	from Ch. 38, par. 1003-12-7

Amends the Illinois Procurement Code and the Unified Code of Corrections. Provides that if and only if the provisions of House Bill 1994 of the 96th General Assembly that are changed by the amendatory Act become law, to the extent not inconsistent with the function and role of the Illinois Correctional Industries, the Department may enter into a contract, lease, or other type of business agreement, not to exceed 20 years, with any private corporation, partnership, person, or other business entity for the purpose of utilizing committed persons in the provision of services or for any other business or commercial enterprise deemed by the Department to be consistent with proper training and rehabilitation of committed persons. Provides that Illinois Correctional Industries shall have a chief financial officer who shall report to the chief executive officer. Effective July 1, 2010.

LRB096 15301 RLC 30418 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning corrections.

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

4 Section 5. If and only if the provisions of House Bill 1994
5 of the 96th General Assembly that are changed by this
6 amendatory Act of the 96th General Assembly become law, the
7 Illinois Procurement Code is amended by changing Section 45-30
8 as follows:

9 (30 ILCS 500/45-30)

10 Sec. 45-30. Illinois Correctional industries.
11 Notwithstanding anything to the contrary in other law, the
12 chief procurement officer of the Department of Central
13 Management Services shall, in consultation with Illinois
14 Correctional Industries, a division of the Illinois Department
15 of Corrections (referred to as the "Illinois Correctional
16 Industries" or "ICI") determine for all State agencies which
17 articles, materials, industry related services, food stuffs,
18 and finished goods that are produced or manufactured by persons
19 confined in institutions and facilities of the Department of
20 Corrections who are participating ~~inmate workers employed~~ in
21 Illinois Correctional Industries programs shall be purchased
22 from Illinois Correctional Industries. The chief procurement
23 officer of Central Management Services shall develop and

1 distribute to the various purchasing and using agencies a
2 listing of all Illinois Correctional Industries products and
3 procedures for implementing this Section.

4 (Source: P.A. 90-572, eff. date - See Sec. 99-5; 96HB1994
5 enrolled.)

6 Section 10. If and only if the provisions of House Bill
7 1994 of the 96th General Assembly that are changed by this
8 amendatory Act of the 96th General Assembly become law, the
9 Unified Code of Corrections is amended by changing Sections
10 3-12-2, 3-12-3a, 3-12-6, and 3-12-7 as follows:

11 (730 ILCS 5/3-12-2) (from Ch. 38, par. 1003-12-2)

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

13 (a) The Department shall provide inmate workers for
14 Illinois Correctional Industries to work in programs
15 established to train and employ committed persons in the
16 production of food products and finished goods and any
17 articles, materials or supplies for resale to State agencies
18 and authorized purchasers. It may also employ committed persons
19 on public works, buildings and property, the conservation of
20 natural resources of the State, anti-pollution or
21 environmental control projects, or for other public purposes,
22 for the maintenance of the Department's buildings and
23 properties and for the production of food or other necessities
24 for its programs. The Department may establish, maintain and

1 employ committed persons in the production of vehicle
2 registration plates. A committed person's labor shall not be
3 sold, contracted or hired out by the Department except under
4 this Article ~~and under Section 3-9-2.~~

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

15 (Source: P.A. 94-1017, eff. 7-7-06; 96HB1994 enrolled.)

16 (730 ILCS 5/3-12-3a) (from Ch. 38, par. 1003-12-3a)

17 Sec. 3-12-3a. (a) Contracts, leases, and business
18 agreements. The Department shall promulgate such rules and
19 policies as it deems necessary to establish, manage, and
20 operate its Illinois Correctional Industries division ~~enter~~
21 ~~into a contract or other type of business agreement with~~
22 ~~Illinois Correctional Industries~~ for the purpose of utilizing
23 committed persons in the manufacture of food products, finished
24 goods or wares. To the extent not inconsistent with the
25 function and role of the ICI, the Department may enter into a

1 contract, lease, or other type of business agreement, not to
2 exceed 20 years, with any private corporation, partnership,
3 person, or other business entity for the purpose of utilizing
4 committed persons in the provision of services or for any other
5 business or commercial enterprise deemed by the Department to
6 be consistent with proper training and rehabilitation of
7 committed persons ~~of Illinois Correctional Industries.~~

8 Illinois Correctional Industries' spending authority shall
9 be separate and apart from the Department's budget and
10 appropriations. Control of Illinois Correctional Industries
11 accounting processes and budget requests to the General
12 Assembly, other budgetary processes, audits by the Office of
13 the Auditor General, and computer processes shall be returned
14 to Illinois Correctional Industries.

15 (b) The Department shall be permitted to construct
16 buildings on State property for the purposes identified in
17 subsection (a) and to lease for a period not to exceed 20 years
18 any building or portion thereof on State property for the
19 purposes identified in subsection (a).

20 (c) Any contract or other business agreement referenced in
21 subsection (a) shall include a provision requiring that all
22 committed persons assigned receive in connection with their
23 assignment such vocational training and/or apprenticeship
24 programs as the Department deems appropriate.

25 (d) Committed persons assigned in accordance with this
26 Section shall be compensated in accordance with the provisions

1 of Section 3-12-5.

2 (Source: P.A. 86-450; 96HB1994 enrolled.)

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

4 Sec. 3-12-6. Programs. Through its Illinois Correctional
5 Industries division, the Department shall establish
6 commercial, business, and manufacturing programs ~~on behalf of~~
7 ~~the State of Illinois~~ for the sale of finished goods and
8 processed food and beverages to the State, its political units,
9 ~~its~~ agencies, and other public institutions. Illinois
10 Correctional Industries shall establish, operate, and maintain
11 manufacturing and food and beverage production in the
12 Department ~~of Corrections~~ facilities and provide food for the
13 Department ~~of Corrections~~ institutions and for the mental
14 health and developmental disabilities institutions of the
15 Department of Human Services and the institutions of the
16 Department of Veterans' Affairs ~~for consumption in those~~
17 ~~agencies' institutions.~~

18 Illinois Correctional Industries shall be administered by
19 a chief executive officer. The chief executive officer shall
20 report to the Director of the Department. ~~The Director may not~~
21 ~~delegate direction of Illinois Correctional Industries~~
22 ~~management and fiscal processes formally or indirectly to any~~
23 ~~other division, component, or contractor of the Department. The~~
24 ~~chief executive officer shall be responsible for all persons~~
25 ~~assigned to the institution or facility that are employed in~~

1 ~~Industries programs.~~ The chief executive officer shall
2 administer the commercial and business programs of ICI for
3 inmate workers in the custody of the Department of Corrections.

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

8 Illinois Correctional Industries shall have a chief
9 financial officer who shall report to the chief executive
10 officer. The chief financial officer shall: (i) assist in the
11 development and presentation of the Department budget
12 submisssion; (ii) manage and control the spending authority of
13 ICI; and (iii) provide oversight of the financial activities of
14 ICI, both internally and through coordination with the
15 Department fiscal operations personnel, including accounting
16 processes, budget submissions, other budgetary processes,
17 audits by the Office of the Auditor General, and computer
18 processes.

19 Illinois Correctional Industries shall be located in
20 Springfield. The chief executive officer of Illinois
21 Correctional Industries shall assign personnel to direct the
22 production of goods and shall employ committed persons assigned
23 by the chief administrative officer. The Department of
24 Corrections may direct such other vocational programs as it
25 ~~that the Department~~ deems necessary for the rehabilitation of
26 inmates, which shall be separate and apart from, and not . Such

1 ~~programs shall not compete, interfere, or be in conflict with,~~
2 ~~the missions and~~ programs of Illinois Correctional Industries.

3 (Source: P.A. 80-728; 96HB1994 enrolled.)

4 (730 ILCS 5/3-12-7) (from Ch. 38, par. 1003-12-7)

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

6 (a) The State, its political units, ~~its~~ agencies and other
7 public institutions shall purchase from Illinois Correctional
8 Industries all manufactured goods, articles, materials,
9 industry related services, food stuffs, and supplies required
10 by them which are produced or manufactured by persons confined
11 in institutions and facilities of the Department ~~that are~~
12 ~~employed in Illinois Correctional Industries programs~~. The
13 Secretary of State may purchase from the Department vehicle
14 registration plates produced by persons confined in
15 institutions and facilities of the Department. The Secretary
16 shall determine reasonable specifications and prices of such
17 vehicle registration plates as agreed upon with the Department.
18 Not-for-profit corporations chartered in Illinois or other
19 States may purchase such goods and services. Units of the
20 Federal government and units of government in other States may
21 also purchase such goods and services. All entities which
22 contract with the State, its political units, its agencies, its
23 public institutions or not-for-profit corporations chartered
24 in Illinois may purchase goods or services from the Department
25 which are used in the performance of such contracts. Nothing

1 shall prohibit the Department from bidding on portions of a
2 State contract which are subcontracted by the primary
3 contractor. The public may purchase crushed limestone and lime
4 dust for agricultural and horticultural purposes and hardwood.
5 Illinois Correctional Industries may also sell grain from its
6 agricultural operations on the open market. All other articles,
7 materials, industry related services, food stuffs and supplies
8 which are produced or manufactured by persons confined in
9 institutions and facilities of the Department shall be
10 available for sale on the open market.

11 (b) Allocation of goods shall be made in the following
12 manner:

13 (1) first, for needs of the Department of Corrections and
14 the Department of Human Services;

15 (2) second, for the State, its agencies and public
16 institutions;

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

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

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

23 (6) sixth, for not for profit corporations chartered in
24 Illinois;

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

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

1 (9) ninth, for not-for-profit organizations chartered in
2 other states;

3 (10) tenth, all other permitted purchasers.

4 (c) Exemption from required purchases shall be on
5 certification of Illinois Correctional Industries that the
6 items to be purchased are not manufactured by Illinois
7 Correctional Industries.

8 (Source: P.A. 86-450; 96HB1994 enrolled.)

9 Section 99. Effective date. This Act takes effect July 1,
10 2010.