



State Government Administration Committee

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09600HB6138ham001

LRB096 18841 RLC 38041 a

1 AMENDMENT TO HOUSE BILL 6138

2 AMENDMENT NO. _____. Amend House Bill 6138 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-4-3 and 3-12-5 as follows:

6 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

7 Sec. 3-4-3. Funds and Property of Persons Committed.

8 (a) The Department of Corrections and the Department of
9 Juvenile Justice shall establish accounting records with
10 accounts for each person who has or receives money while in an
11 institution or facility of that Department and it shall allow
12 the withdrawal and disbursement of money by the person under
13 rules and regulations of that Department. Any interest or other
14 income from moneys deposited with the Department by a resident
15 of the Department of Juvenile Justice in excess of \$200 shall
16 accrue to the individual's account, or in balances up to \$200

1 shall accrue to the Residents' Benefit Fund. For an individual
2 in an institution or facility of the Adult Division the
3 interest shall accrue to the Residents' Benefit Fund. The
4 Department shall disburse all moneys so held no later than the
5 person's final discharge from the Department. Moneys in the
6 account of a committed person who files a lawsuit determined
7 frivolous under Article XXII of the Code of Civil Procedure
8 shall be deducted to pay for the filing fees and cost of the
9 suit as provided in that Article. The Department shall under
10 rules and regulations record and receipt all personal property
11 not allowed to committed persons. The Department shall return
12 such property to the individual no later than the person's
13 release on parole.

14 (b) Any money held in accounts of committed persons
15 separated from the Department by death, discharge, or
16 unauthorized absence and unclaimed for a period of 1 year
17 thereafter by the person or his legal representative shall be
18 transmitted to the State Treasurer who shall deposit it into
19 the General Revenue Fund. Articles of personal property of
20 persons so separated may be sold or used by the Department if
21 unclaimed for a period of 1 year for the same purpose.
22 Clothing, if unclaimed within 30 days, may be used or disposed
23 of as determined by the Department.

24 (c) Forty percent of the profits on sales from commissary
25 stores shall be expended by the Department for the special
26 benefit of committed persons which shall include but not be

1 limited to ~~the advancement of inmate payrolls, for~~ the special
2 benefit of employees, and for the advancement or reimbursement
3 of employee travel, provided that amounts expended for
4 employees shall not exceed the amount of profits derived from
5 sales made to employees by such commissaries, as determined by
6 the Department. The remainder of the profits from sales from
7 commissary stores must be used first to pay for wages and
8 benefits of employees covered under a collective bargaining
9 agreement who are employed at commissary facilities of the
10 Department and then to pay the costs of dietary staff.

11 (d) The Department shall confiscate any unauthorized
12 currency found in the possession of a committed person. The
13 Department shall transmit the confiscated currency to the State
14 Treasurer who shall deposit it into the General Revenue Fund.

15 (Source: P.A. 93-607, eff. 1-1-04; 94-696, eff. 6-1-06.)

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

17 Sec. 3-12-5. Compensation. Persons performing a work
18 assignment under subsection (a) of Section 3-12-2 may not
19 receive wages or other compensation ~~under rules and regulations~~
20 ~~of the Department. In determining rates of compensation, the~~
21 ~~Department shall consider the effort, skill and economic value~~
22 ~~of the work performed.~~ Compensation may not be given to
23 committed persons who participate in other programs of the
24 Department. ~~Of the compensation earned pursuant to this~~
25 ~~Section, a portion, as determined by the Department, shall be~~

1 ~~used to offset the cost of the committed person's~~
2 ~~incarceration. If the committed person files a lawsuit~~
3 ~~determined frivolous under Article XXII of the Code of Civil~~
4 ~~Procedure, 50% of the compensation shall be used to offset the~~
5 ~~filing fees and costs of the lawsuit as provided in that~~
6 ~~Article until all fees and costs are paid in full. All other~~
7 ~~wages shall be deposited in the individual's account under~~
8 ~~rules and regulations of the Department. The Department shall~~
9 ~~notify the Attorney General of any compensation applied towards~~
10 ~~a satisfaction, in whole or in part, of the person's~~
11 ~~incarceration costs.~~

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."