

# SB1041



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1041

Introduced 2/6/2009, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-5

from Ch. 38, par. 1003-2-5

Amends the Unified Code of Corrections. Makes a technical change in a Section concerning the organization of the Department of Corrections and the Department of Juvenile Justice.

LRB096 07112 RLC 17198 b

A BILL FOR

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 Unified Code of Corrections is amended by  
5 changing Section 3-2-5 as follows:

6 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

7 Sec. 3-2-5. Organization of the Department of Corrections  
8 and the Department of Juvenile Justice.

9 (a) There shall be an Adult Division within the ~~the~~  
10 Department which shall be administered by an Assistant Director  
11 appointed by the Governor under The Civil Administrative Code  
12 of Illinois. The Assistant Director shall be under the  
13 direction of the Director. The Adult Division shall be  
14 responsible for all persons committed or transferred to the  
15 Department under Sections 3-10-7 or 5-8-6 of this Code.

16 (b) There shall be a Department of Juvenile Justice which  
17 shall be administered by a Director appointed by the Governor  
18 under the Civil Administrative Code of Illinois. The Department  
19 of Juvenile Justice shall be responsible for all persons under  
20 17 years of age when sentenced to imprisonment and committed to  
21 the Department under subsection (c) of Section 5-8-6 of this  
22 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750  
23 of the Juvenile Court Act of 1987. Persons under 17 years of

1 age committed to the Department of Juvenile Justice pursuant to  
2 this Code shall be sight and sound separate from adult  
3 offenders committed to the Department of Corrections.

4 (c) The Department shall create a gang intelligence unit  
5 under the supervision of the Director. The unit shall be  
6 specifically designed to gather information regarding the  
7 inmate gang population, monitor the activities of gangs, and  
8 prevent the furtherance of gang activities through the  
9 development and implementation of policies aimed at deterring  
10 gang activity. The Director shall appoint a Corrections  
11 Intelligence Coordinator.

12 All information collected and maintained by the unit shall  
13 be highly confidential, and access to that information shall be  
14 restricted by the Department. The information shall be used to  
15 control and limit the activities of gangs within correctional  
16 institutions under the jurisdiction of the Illinois Department  
17 of Corrections and may be shared with other law enforcement  
18 agencies in order to curb gang activities outside of  
19 correctional institutions under the jurisdiction of the  
20 Department and to assist in the investigations and prosecutions  
21 of gang activity. The Department shall establish and promulgate  
22 rules governing the release of information to outside law  
23 enforcement agencies. Due to the highly sensitive nature of the  
24 information, the information is exempt from requests for  
25 disclosure under the Freedom of Information Act as the  
26 information contained is highly confidential and may be harmful

1 if disclosed.

2 The Department shall file an annual report with the General  
3 Assembly on the profile of the inmate population associated  
4 with gangs, gang-related activity within correctional  
5 institutions under the jurisdiction of the Department, and an  
6 overall status of the unit as it relates to its function and  
7 performance.

8 (Source: P.A. 94-696, eff. 6-1-06.)