

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. The Private Correctional Facility Moratorium  
5 Act is amended by changing Sections 2 and 3 as follows:

6 (730 ILCS 140/2) (from Ch. 38, par. 1582)

7 Sec. 2. Legislative findings. The General Assembly hereby  
8 finds and declares that the management and operation of a  
9 correctional facility or institution involves functions that  
10 are inherently governmental. The imposition of punishment on  
11 errant citizens through incarceration requires the State, any  
12 unit of local government or a county sheriff, to exercise its  
13 coercive police powers over individuals and is thus  
14 distinguishable from privatization in other areas of  
15 government. It is further found that issues of liability,  
16 accountability and cost warrant a prohibition of the ownership,  
17 operation or management of correctional facilities by  
18 for-profit private contractors.

19 (Source: P.A. 86-1412.)

20 (730 ILCS 140/3) (from Ch. 38, par. 1583)

21 Sec. 3. Certain contracts prohibited. After the effective  
22 date of this Act, the State, any unit of local government, or a

1 county sheriff, shall not contract with a private contractor or  
2 private vendor for the provision of services relating to the  
3 operation of a correctional facility or the incarceration of  
4 persons in the custody of the Department of Corrections, ~~or of~~  
5 the Department of Juvenile Justice, or a sheriff; however, this  
6 Act does not apply to (1) State work release centers or  
7 juvenile residential facilities that provide separate care or  
8 special treatment operated in whole or part by private  
9 contractors or (2) contracts for ancillary services, including  
10 medical services, educational services, repair and maintenance  
11 contracts, or other services not directly related to the  
12 ownership, management or operation of security services in a  
13 correctional facility.

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