



Sen. John J. Cullerton

Filed: 5/11/2005

09400HB0180sam001

LRB094 05633 RXD 45712 a

1 AMENDMENT TO HOUSE BILL 180

2 AMENDMENT NO. _____. Amend House Bill 180 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Uniform Criminal Extradition Act is amended
5 by changing Section 5 as follows:

6 (725 ILCS 225/5) (from Ch. 60, par. 22)

7 Sec. 5. Extradition of persons imprisoned or awaiting trial
8 in another state or who have left the demanding state under
9 compulsion.

10 When it is desired to have returned to this State a person
11 charged in this State with a crime, and such person is
12 imprisoned or is held under criminal proceedings then pending
13 against him in another state, the Governor of this State may
14 agree with the Executive Authority of such other state for the
15 extradition of such person before the conclusion of such
16 proceedings or his term of sentence in such other state, upon
17 condition that such person be returned to such other state at
18 the expense of this State as soon as the prosecution in this
19 State is terminated.

20 The Governor of this State may also surrender on demand of
21 the Executive Authority of any other state any person in this
22 State who is charged in the manner provided in Section 23 of
23 this Act with having violated the laws of the state whose
24 Executive Authority is making the demand, even though such

1 person left the demanding state involuntarily.

2 Notwithstanding any other provision of this Act, any person
3 incarcerated in any federal facility may be released to the
4 custody of the duly accredited officers or designees of those
5 officers of a foreign state if:

6 (1) the person has violated the terms of his or her
7 probation, post-release supervision, or parole or has an
8 unexpired sentence in the foreign state;

9 (2) the foreign state has personal jurisdiction over
10 that person; and

11 (3) the foreign state has issued a valid warrant for
12 the apprehension of that person or has issued a commitment
13 order to serve a sentence in a state or local correctional
14 facility. For that purpose no formalities shall be required
15 other than establishing the authority of the officer and
16 the identity of the person to be apprehended. All legal
17 requirements to obtain extradition of fugitives from
18 justice are expressly waived by the State of Illinois as to
19 those persons.

20 (Source: Laws 1955, p. 1982.)

21 Section 10. The Unified Code of Corrections is amended by
22 changing Section 3-2-5 and adding Section 3-2-5.1 as follows:

23 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

24 Sec. 3-2-5. Organization of the Department; Adult
25 Department of Corrections and the Department of Juvenile
26 Justice.

27 (a) There shall be an Adult Division within the Department
28 which shall be administered by an Assistant Director appointed
29 by the Governor under The Civil Administrative Code of
30 Illinois. The Assistant Director shall be under the direction
31 of the Director. The Adult Division shall be responsible for
32 all persons committed or transferred to the Department under

1 Sections 3-10-7 or 5-8-6 of this Code.

2 (b) There shall be a Department of Juvenile Justice which
3 shall be administered by a Director appointed by the Governor
4 under the Civil Administrative Code of Illinois. The Department
5 of Juvenile Justice shall be responsible for all persons
6 committed to the Department of Corrections under Section 5-8-6
7 of this Code, Section 5-10 of the Juvenile Court Act, or
8 Section 5-750 of the Juvenile Court Act of 1987. Youth
9 committed to the Department of Juvenile Justice pursuant to
10 this Code shall be sight and sound separate from youth
11 committed to the Department of Juvenile Justice pursuant to the
12 Juvenile Court Act. ~~There shall be a Juvenile Division within~~
13 ~~the Department which shall be administered by an Assistant~~
14 ~~Director appointed by the Governor under The Civil~~
15 ~~Administrative Code of Illinois. The Assistant Director shall~~
16 ~~be under the direction of the Director. The Juvenile Division~~
17 ~~shall be responsible for all persons committed to the Juvenile~~
18 ~~Division of the Department under Section 5-8-6 of this Code or~~
19 ~~Section 5-10 of the Juvenile Court Act or Section 5-750 of the~~
20 ~~Juvenile Court Act of 1987.~~

21 Department of Juvenile Justice personnel shall be over the
22 age of 21 and have graduated from an accredited four-year
23 college or university with a specialization in criminal
24 justice, education, psychology, sociology, social work, or a
25 closely related social science. Work experience in a
26 residential treatment program that includes supervision or
27 counseling of troubled youth between 10 and 17 years of age may
28 be substituted on a year-for-year basis for the stated
29 education specialization requirement.

30 (c) The Department shall create a gang intelligence unit
31 under the supervision of the Director. The unit shall be
32 specifically designed to gather information regarding the
33 inmate gang population, monitor the activities of gangs, and
34 prevent the furtherance of gang activities through the

1 development and implementation of policies aimed at deterring
2 gang activity. The Director shall appoint a Corrections
3 Intelligence Coordinator.

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

20 The Department shall file an annual report with the General
21 Assembly on the profile of the inmate population associated
22 with gangs, gang-related activity within correctional
23 institutions under the jurisdiction of the Department, and an
24 overall status of the unit as it relates to its function and
25 performance.

26 (Source: P.A. 90-590, eff. 1-1-99; 91-912, eff. 7-7-00.)

27 (730 ILCS 5/3-2-5.1 new)

28 Sec. 3-2-5.1. Department of Juvenile Justice Transition
29 Plan.

30 (a) The Department of Juvenile Justice shall assume the
31 rights, powers, duties, and responsibilities of the Juvenile
32 Division of the Department of Corrections. Personnel, books,
33 records, property, and funds pertaining to the Juvenile

1 Division of the Department of Corrections shall be transferred
2 to the Department of Juvenile Justice. Any rights of employees
3 or the State under the Personnel Code or any other contract or
4 plan shall be unaffected by this transfer.

5 (b) The Fiscal Year 2006 appropriations for the Department
6 of Juvenile Justice shall not exceed the amount appropriated to
7 the Juvenile Division of the Department of Corrections for
8 Fiscal Year 2005 for juvenile services, including, but not
9 limited to, placement, education, and parole.

10 Section 99. Effective date. This Act takes effect January
11 1, 2006."