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LRB094 06238 EFG 47447 a

1 AMENDMENT TO SENATE BILL 92

2 AMENDMENT NO. _____. Amend Senate Bill 92, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

8 Sec. 3-2-5. Organization of the Department; Adult
9 Department of Corrections and the Department of Juvenile
10 Justice.

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

18 (b) There shall be a Department of Juvenile Justice which
19 shall be administered by a Director appointed by the Governor
20 under the Civil Administrative Code of Illinois. The Department
21 of Juvenile Justice shall be responsible for all persons
22 committed to the Department of Corrections under Section 5-8-6
23 of this Code, Section 5-10 of the Juvenile Court Act, or
24 Section 5-750 of the Juvenile Court Act of 1987. Youth

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

13 (c) The Department shall create a gang intelligence unit
14 under the supervision of the Director. The unit shall be
15 specifically designed to gather information regarding the
16 inmate gang population, monitor the activities of gangs, and
17 prevent the furtherance of gang activities through the
18 development and implementation of policies aimed at deterring
19 gang activity. The Director shall appoint a Corrections
20 Intelligence Coordinator.

21 All information collected and maintained by the unit shall
22 be highly confidential, and access to that information shall be
23 restricted by the Department. The information shall be used to
24 control and limit the activities of gangs within correctional
25 institutions under the jurisdiction of the Illinois Department
26 of Corrections and may be shared with other law enforcement
27 agencies in order to curb gang activities outside of
28 correctional institutions under the jurisdiction of the
29 Department and to assist in the investigations and prosecutions
30 of gang activity. The Department shall establish and promulgate
31 rules governing the release of information to outside law
32 enforcement agencies. Due to the highly sensitive nature of the
33 information, the information is exempt from requests for
34 disclosure under the Freedom of Information Act as the

1 information contained is highly confidential and may be harmful
2 if disclosed.

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

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

10 (730 ILCS 5/3-2-5.1 new)

11 Sec. 3-2-5.1. Department of Juvenile Justice: transition;
12 personnel; contracts.

13 (a) The Department of Juvenile Justice shall assume the
14 rights, powers, duties, and responsibilities of the Juvenile
15 Division of the Department of Corrections. Personnel, books,
16 records, property, and unencumbered appropriations pertaining
17 to the Juvenile Division of the Department of Corrections shall
18 be transferred to the Department of Juvenile Justice, effective
19 January 1, 2006. Any rights of employees or the State under the
20 Personnel Code or any other contract or plan shall be
21 unaffected by this transfer.

22 (b) Department of Juvenile Justice personnel who are first
23 employed by the Department after January 1, 2006 and who
24 provide counseling, educational, vocational, or treatment
25 services directly to juveniles must be over the age of 21 and
26 have graduated from an accredited 4-year college or university
27 with a specialization in criminal justice, education,
28 psychology, sociology, social work, or a closely related social
29 science. Work experience in a residential treatment program
30 that includes supervision or counseling of troubled youth
31 between 10 and 17 years of age may be substituted on a
32 year-for-year basis for the stated education specialization
33 requirement.

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

15 Section 99. Effective date. This Act takes effect January
16 1, 2006."