

SB3047



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB3047

Introduced 1/20/2006, by Sen. John O. Jones

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-12-5

from Ch. 38, par. 1003-12-5

Amends the Unified Code of Corrections. Re-enacts the provisions of Section 3-12-5 of the Code, relating to recovery of the costs of incarceration from money received by an inmate from participation in a work program. This Section was affected by Public Act 88-669, which has been held to be unconstitutional as a violation of the single subject clause of the Illinois Constitution. Includes validation provisions. Effective immediately.

LRB094 18777 EFG 54171 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Findings; purpose; validation.

5 (a) The General Assembly finds and declares that:

6 (1) Public Act 88-669, effective November 29, 1994,
7 contained provisions amending Section 3-12-5 of the
8 Unified Code of Corrections, relating to recovery of the
9 costs of incarceration from money received by an inmate
10 from participation in a work program. Public Act 88-669
11 also contained other provisions.

12 (2) The Illinois Supreme Court declared Public Act
13 88-669 to be unconstitutional as a violation of the single
14 subject clause of the Illinois Constitution in *People v.*
15 *Olender*, Docket No. 98932, opinion filed December 15, 2005.

16 (b) The purpose of this Act is to re-enact the provisions
17 of Section 3-12-5 of the Unified Code of Corrections and to
18 minimize or prevent any problems concerning those provisions
19 that may arise from the unconstitutionality of Public Act
20 88-669. This re-enactment is intended to remove any question as
21 to the validity and content of those provisions; it is not
22 intended to supersede any other Public Act that amends the
23 provisions re-enacted in this Act. The re-enacted material is
24 shown in this Act as existing text (i.e., without underscoring)
25 and includes changes made by subsequent amendments.

26 (c) The re-enactment of Section 3-12-5 of the Unified Code
27 of Corrections by this Act is not intended, and shall not be
28 construed, to impair any legal argument concerning whether
29 those provisions were substantially re-enacted by any other
30 Public Act.

31 (d) All otherwise lawful actions taken before the effective
32 date of this Act in reliance on or pursuant to the provisions
33 re-enacted by this Act, as those provisions were set forth in

1 Public Act 88-669 or as subsequently amended, by any officer,
2 employee, or agency of State government or by any other person
3 or entity, are hereby validated, except to the extent
4 prohibited under the Illinois or United States Constitution.

5 (e) This Act applies, without limitation, to actions
6 pending on or after the effective date of this Act, except to
7 the extent prohibited under the Illinois or United States
8 Constitution.

9 Section 5. The Unified Code of Corrections is amended by
10 re-enacting Section 3-12-5 as follows:

11 (730 ILCS 5/3-12-5) (from Ch. 38, par. 1003-12-5)

12 Sec. 3-12-5. Compensation. Persons performing a work
13 assignment under subsection (a) of Section 3-12-2 may receive
14 wages under rules and regulations of the Department. In
15 determining rates of compensation, the Department shall
16 consider the effort, skill and economic value of the work
17 performed. Compensation may be given to persons who participate
18 in other programs of the Department. Of the compensation earned
19 pursuant to this Section, a portion, as determined by the
20 Department, shall be used to offset the cost of the committed
21 person's incarceration. If the committed person files a lawsuit
22 determined frivolous under Article XXII of the Code of Civil
23 Procedure, 50% of the compensation shall be used to offset the
24 filing fees and costs of the lawsuit as provided in that
25 Article until all fees and costs are paid in full. All other
26 wages shall be deposited in the individual's account under
27 rules and regulations of the Department. The Department shall
28 notify the Attorney General of any compensation applied towards
29 a satisfaction, in whole or in part, of the person's
30 incarceration costs.

31 (Source: P.A. 90-505, eff. 8-19-97.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.