



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3958

Introduced 2/6/2026, by Sen. Erica Harriss

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2	
730 ILCS 5/3-7-6a new	
730 ILCS 5/3-12-2	from Ch. 38, par. 1003-12-2
730 ILCS 5/3-12-5	from Ch. 38, par. 1003-12-5
735 ILCS 5/4-101	from Ch. 110, par. 4-101

Amends the Unified Code of Corrections and the Code of Civil Procedure. Restores language (which was deleted by Public Act 101-235) providing that committed persons shall be responsible to reimburse the Department of Corrections for the expenses incurred by their incarceration at a rate to be determined by the Department. Effective immediately.

LRB104 17544 RLC 30972 b

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 Sections 3-2-2, 3-12-2, and 3-12-5 and by adding
6 Section 3-7-6a as follows:

7 (730 ILCS 5/3-2-2)

8 Sec. 3-2-2. Powers and duties of the Department.

9 (1) In addition to the powers, duties, and
10 responsibilities which are otherwise provided by law, the
11 Department shall have the following powers:

12 (a) To accept persons committed to it by the courts of
13 this State for care, custody, treatment, and
14 rehabilitation, and to accept federal prisoners and
15 noncitizens over whom the Office of the Federal Detention
16 Trustee is authorized to exercise the federal detention
17 function for limited purposes and periods of time.

18 (b) To develop and maintain reception and evaluation
19 units for purposes of analyzing the custody and
20 rehabilitation needs of persons committed to it and to
21 assign such persons to institutions and programs under its
22 control or transfer them to other appropriate agencies. In
23 consultation with the Department of Alcoholism and

1 Substance Abuse (now the Department of Human Services),
2 the Department of Corrections shall develop a master plan
3 for the screening and evaluation of persons committed to
4 its custody who have alcohol or drug abuse problems, and
5 for making appropriate treatment available to such
6 persons; the Department shall report to the General
7 Assembly on such plan not later than April 1, 1987. The
8 maintenance and implementation of such plan shall be
9 contingent upon the availability of funds.

10 (b-1) To create and implement, on January 1, 2002, a
11 pilot program to establish the effectiveness of
12 pupillometer technology (the measurement of the pupil's
13 reaction to light) as an alternative to a urine test for
14 purposes of screening and evaluating persons committed to
15 its custody who have alcohol or drug problems. The pilot
16 program shall require the pupillometer technology to be
17 used in at least one Department of Corrections facility.
18 The Director may expand the pilot program to include an
19 additional facility or facilities as he or she deems
20 appropriate. A minimum of 4,000 tests shall be included in
21 the pilot program. The Department must report to the
22 General Assembly on the effectiveness of the program by
23 January 1, 2003.

24 (b-5) To develop, in consultation with the Illinois
25 State Police, a program for tracking and evaluating each
26 inmate from commitment through release for recording his

1 or her gang affiliations, activities, or ranks.

2 (c) To maintain and administer all State correctional
3 institutions and facilities under its control and to
4 establish new ones as needed. Pursuant to its power to
5 establish new institutions and facilities, the Department
6 may, with the written approval of the Governor, authorize
7 the Department of Central Management Services to enter
8 into an agreement of the type described in subsection (d)
9 of Section 405-300 of the Department of Central Management
10 Services Law. The Department shall designate those
11 institutions which shall constitute the State Penitentiary
12 System. The Department of Juvenile Justice shall maintain
13 and administer all State youth centers pursuant to
14 subsection (d) of Section 3-2.5-20.

15 Pursuant to its power to establish new institutions
16 and facilities, the Department may authorize the
17 Department of Central Management Services to accept bids
18 from counties and municipalities for the construction,
19 remodeling, or conversion of a structure to be leased to
20 the Department of Corrections for the purposes of its
21 serving as a correctional institution or facility. Such
22 construction, remodeling, or conversion may be financed
23 with revenue bonds issued pursuant to the Industrial
24 Building Revenue Bond Act by the municipality or county.
25 The lease specified in a bid shall be for a term of not
26 less than the time needed to retire any revenue bonds used

1 to finance the project, but not to exceed 40 years. The
2 lease may grant to the State the option to purchase the
3 structure outright.

4 Upon receipt of the bids, the Department may certify
5 one or more of the bids and shall submit any such bids to
6 the General Assembly for approval. Upon approval of a bid
7 by a constitutional majority of both houses of the General
8 Assembly, pursuant to joint resolution, the Department of
9 Central Management Services may enter into an agreement
10 with the county or municipality pursuant to such bid.

11 (c-5) To build and maintain regional juvenile
12 detention centers and to charge a per diem to the counties
13 as established by the Department to defray the costs of
14 housing each minor in a center. In this subsection (c-5),
15 "juvenile detention center" means a facility to house
16 minors during pendency of trial who have been transferred
17 from proceedings under the Juvenile Court Act of 1987 to
18 prosecutions under the criminal laws of this State in
19 accordance with Section 5-805 of the Juvenile Court Act of
20 1987, whether the transfer was by operation of law or
21 permissive under that Section. The Department shall
22 designate the counties to be served by each regional
23 juvenile detention center.

24 (d) To develop and maintain programs of control,
25 rehabilitation, and employment of committed persons within
26 its institutions.

1 (d-5) To provide a pre-release job preparation program
2 for inmates at Illinois adult correctional centers.

3 (d-10) To provide educational and visitation
4 opportunities to committed persons within its institutions
5 through temporary access to content-controlled tablets
6 that may be provided as a privilege to committed persons
7 to induce or reward compliance.

8 (e) To establish a system of supervision and guidance
9 of committed persons in the community.

10 (f) To establish in cooperation with the Department of
11 Transportation to supply a sufficient number of prisoners
12 for use by the Department of Transportation to clean up
13 the trash and garbage along State, county, township, or
14 municipal highways as designated by the Department of
15 Transportation. The Department of Corrections, at the
16 request of the Department of Transportation, shall furnish
17 such prisoners at least annually for a period to be agreed
18 upon between the Director of Corrections and the Secretary
19 of Transportation. The prisoners used on this program
20 shall be selected by the Director of Corrections on
21 whatever basis he deems proper in consideration of their
22 term, behavior and earned eligibility to participate in
23 such program - where they will be outside of the prison
24 facility but still in the custody of the Department of
25 Corrections. Prisoners convicted of first degree murder,
26 or a Class X felony, or armed violence, or aggravated

1 kidnapping, or criminal sexual assault, aggravated
2 criminal sexual abuse or a subsequent conviction for
3 criminal sexual abuse, or forcible detention, or arson, or
4 a prisoner adjudged a Habitual Criminal shall not be
5 eligible for selection to participate in such program. The
6 prisoners shall remain as prisoners in the custody of the
7 Department of Corrections and such Department shall
8 furnish whatever security is necessary. The Department of
9 Transportation shall furnish trucks and equipment for the
10 highway cleanup program and personnel to supervise and
11 direct the program. Neither the Department of Corrections
12 nor the Department of Transportation shall replace any
13 regular employee with a prisoner.

14 (g) To maintain records of persons committed to it and
15 to establish programs of research, statistics, and
16 planning.

17 (h) To investigate the grievances of any person
18 committed to the Department, ~~and~~ to inquire into any
19 alleged misconduct by employees or committed persons, and
20 to investigate the assets of committed persons to
21 implement Section 3-7-6a of this Code; and for these
22 purposes it may issue subpoenas and compel the attendance
23 of witnesses and the production of writings and papers,
24 and may examine under oath any witnesses who may appear
25 before it; to also investigate alleged violations of a
26 parolee's or releasee's conditions of parole or release;

1 and for this purpose it may issue subpoenas and compel the
2 attendance of witnesses and the production of documents
3 only if there is reason to believe that such procedures
4 would provide evidence that such violations have occurred.

5 If any person fails to obey a subpoena issued under
6 this subsection, the Director may apply to any circuit
7 court to secure compliance with the subpoena. The failure
8 to comply with the order of the court issued in response
9 thereto shall be punishable as contempt of court.

10 (i) To appoint and remove the chief administrative
11 officers, and administer programs of training and
12 development of personnel of the Department. Personnel
13 assigned by the Department to be responsible for the
14 custody and control of committed persons or to investigate
15 the alleged misconduct of committed persons or employees
16 or alleged violations of a parolee's or releasee's
17 conditions of parole shall be conservators of the peace
18 for those purposes, and shall have the full power of peace
19 officers outside of the facilities of the Department in
20 the protection, arrest, retaking, and reconfining of
21 committed persons or where the exercise of such power is
22 necessary to the investigation of such misconduct or
23 violations. This subsection shall not apply to persons
24 committed to the Department of Juvenile Justice under the
25 Juvenile Court Act of 1987 on aftercare release.

26 (j) To cooperate with other departments and agencies

1 and with local communities for the development of
2 standards and programs for better correctional services in
3 this State.

4 (k) To administer all moneys and properties of the
5 Department.

6 (l) To report annually to the Governor on the
7 committed persons, institutions, and programs of the
8 Department.

9 (l-5) (Blank).

10 (m) To make all rules and regulations and exercise all
11 powers and duties vested by law in the Department.

12 (n) To establish rules and regulations for
13 administering a system of sentence credits, established in
14 accordance with Section 3-6-3, subject to review by the
15 Prisoner Review Board.

16 (o) To administer the distribution of funds from the
17 State Treasury to reimburse counties where State penal
18 institutions are located for the payment of assistant
19 state's attorneys' salaries under Section 4-2001 of the
20 Counties Code.

21 (p) To exchange information with the Department of
22 Human Services and the Department of Healthcare and Family
23 Services for the purpose of verifying living arrangements
24 and for other purposes directly connected with the
25 administration of this Code and the Illinois Public Aid
26 Code.

1 (q) To establish a diversion program.

2 The program shall provide a structured environment for
3 selected technical parole or mandatory supervised release
4 violators and committed persons who have violated the
5 rules governing their conduct while in work release. This
6 program shall not apply to those persons who have
7 committed a new offense while serving on parole or
8 mandatory supervised release or while committed to work
9 release.

10 Elements of the program shall include, but shall not
11 be limited to, the following:

12 (1) The staff of a diversion facility shall
13 provide supervision in accordance with required
14 objectives set by the facility.

15 (2) Participants shall be required to maintain
16 employment.

17 (3) Each participant shall pay for room and board
18 at the facility on a sliding-scale basis according to
19 the participant's income.

20 (4) Each participant shall:

21 (A) provide restitution to victims in
22 accordance with any court order;

23 (B) provide financial support to his
24 dependents; and

25 (C) make appropriate payments toward any other
26 court-ordered obligations.

1 (5) Each participant shall complete community
2 service in addition to employment.

3 (6) Participants shall take part in such
4 counseling, educational, and other programs as the
5 Department may deem appropriate.

6 (7) Participants shall submit to drug and alcohol
7 screening.

8 (8) The Department shall promulgate rules
9 governing the administration of the program.

10 (r) To enter into intergovernmental cooperation
11 agreements under which persons in the custody of the
12 Department may participate in a county impact
13 incarceration program established under Section 3-6038 or
14 3-15003.5 of the Counties Code.

15 (r-5) (Blank).

16 (r-10) To systematically and routinely identify with
17 respect to each streetgang active within the correctional
18 system: (1) each active gang; (2) every existing
19 inter-gang affiliation or alliance; and (3) the current
20 leaders in each gang. The Department shall promptly
21 segregate leaders from inmates who belong to their gangs
22 and allied gangs. "Segregate" means no physical contact
23 and, to the extent possible under the conditions and space
24 available at the correctional facility, prohibition of
25 visual and sound communication. For the purposes of this
26 paragraph (r-10), "leaders" means persons who:

1 (i) are members of a criminal streetgang;
2 (ii) with respect to other individuals within the
3 streetgang, occupy a position of organizer,
4 supervisor, or other position of management or
5 leadership; and

6 (iii) are actively and personally engaged in
7 directing, ordering, authorizing, or requesting
8 commission of criminal acts by others, which are
9 punishable as a felony, in furtherance of streetgang
10 related activity both within and outside of the
11 Department of Corrections.

12 "Streetgang", "gang", and "streetgang related" have the
13 meanings ascribed to them in Section 10 of the Illinois
14 Streetgang Terrorism Omnibus Prevention Act.

15 (s) To operate a super-maximum security institution,
16 in order to manage and supervise inmates who are
17 disruptive or dangerous and provide for the safety and
18 security of the staff and the other inmates.

19 (t) To monitor any unprivileged conversation or any
20 unprivileged communication, whether in person or by mail,
21 telephone, or other means, between an inmate who, before
22 commitment to the Department, was a member of an organized
23 gang and any other person without the need to show cause or
24 satisfy any other requirement of law before beginning the
25 monitoring, except as constitutionally required. The
26 monitoring may be by video, voice, or other method of

1 recording or by any other means. As used in this
2 subdivision (1)(t), "organized gang" has the meaning
3 ascribed to it in Section 10 of the Illinois Streetgang
4 Terrorism Omnibus Prevention Act.

5 As used in this subdivision (1)(t), "unprivileged
6 conversation" or "unprivileged communication" means a
7 conversation or communication that is not protected by any
8 privilege recognized by law or by decision, rule, or order
9 of the Illinois Supreme Court.

10 (u) To establish a Women's and Children's Pre-release
11 Community Supervision Program for the purpose of providing
12 housing and services to eligible female inmates, as
13 determined by the Department, and their newborn and young
14 children.

15 (u-5) To issue an order, whenever a person committed
16 to the Department absconds or absents himself or herself,
17 without authority to do so, from any facility or program
18 to which he or she is assigned. The order shall be
19 certified by the Director, the Supervisor of the
20 Apprehension Unit, or any person duly designated by the
21 Director, with the seal of the Department affixed. The
22 order shall be directed to all sheriffs, coroners, and
23 police officers, or to any particular person named in the
24 order. Any order issued pursuant to this subdivision
25 (1)(u-5) shall be sufficient warrant for the officer or
26 person named in the order to arrest and deliver the

1 committed person to the proper correctional officials and
2 shall be executed the same as criminal process.

3 (u-6) To appoint a point of contact person who shall
4 receive suggestions, complaints, or other requests to the
5 Department from visitors to Department institutions or
6 facilities and from other members of the public.

7 (u-7) To collaborate with the Department of Human
8 Services and other State agencies to develop and implement
9 screening and follow-up protocols for intake and reentry
10 personnel and contractors on identification and response
11 to Department-involved individuals who demonstrate
12 indications of past labor or sex trafficking
13 victimization, criminal sexual exploitation or a history
14 of involvement in the sex trade that may put them at risk
15 of human trafficking. Protocols should include assessment
16 and provision of pre-release and post-release housing,
17 legal, medical, mental health and substance-use disorder
18 treatment services and recognize the specialized needs of
19 victims of human trafficking.

20 (u-8) To provide statewide training for Department of
21 Corrections intake and reentry personnel and contractors
22 on identification and response to Department-involved
23 individuals who demonstrate indications of past
24 trafficking victimization or child sexual exploitation
25 that put them at risk of human trafficking.

26 (u-9) To offer access to specialized services for

1 Department-involved individuals within the care that
2 demonstrate indications of past trafficking victimization
3 or child sexual exploitation that put them at risk of
4 trafficking. As used in this subsection, "specialized
5 services" means substance use ~~substance use~~ disorder,
6 mental health, medical, case-management, housing, and
7 other support services by Department employees or
8 contractors who have completed victim-centered,
9 trauma-informed training specifically designed to address
10 the complex psychological ~~and~~ or physical needs of victims
11 of human trafficking, sexual exploitation, or a history of
12 involvement with the sex trade.

13 (v) To do all other acts necessary to carry out the
14 provisions of this Chapter.

15 (2) The Department of Corrections shall by January 1,
16 1998, consider building and operating a correctional facility
17 within 100 miles of a county of over 2,000,000 inhabitants,
18 especially a facility designed to house juvenile participants
19 in the impact incarceration program.

20 (3) When the Department lets bids for contracts for
21 medical services to be provided to persons committed to
22 Department facilities by a health maintenance organization,
23 medical service corporation, or other health care provider,
24 the bid may only be let to a health care provider that has
25 obtained an irrevocable letter of credit or performance bond
26 issued by a company whose bonds have an investment grade or

1 higher rating by a bond rating organization.

2 (3.5) If the Department has a contract with a pharmacy
3 benefit manager or a contract with an insurance company,
4 health maintenance organization, limited health service
5 organization, administrative services organization, or any
6 other managed care entity or health insurance issuer where a
7 pharmacy benefit manager administers the provider's coverage
8 of, payment for, or formulary design for drugs necessary to
9 safeguard the minor's life or health, the contract with the
10 pharmacy benefit manager and the pharmacy benefit manager's
11 activities shall be subject to Article XXXIIB of the Illinois
12 Insurance Code and the authority of the Director of Insurance
13 to enforce those provisions. The provider shall have all the
14 rights of a plan sponsor under those provisions.

15 (4) When the Department lets bids for contracts for food
16 or commissary services to be provided to Department
17 facilities, the bid may only be let to a food or commissary
18 services provider that has obtained an irrevocable letter of
19 credit or performance bond issued by a company whose bonds
20 have an investment grade or higher rating by a bond rating
21 organization.

22 (5) On and after the date 6 months after August 16, 2013
23 (the effective date of Public Act 98-488), as provided in the
24 Executive Order 1 (2012) Implementation Act, all of the
25 powers, duties, rights, and responsibilities related to State
26 healthcare purchasing under this Code that were transferred

1 from the Department of Corrections to the Department of
2 Healthcare and Family Services by Executive Order 3 (2005) are
3 transferred back to the Department of Corrections; however,
4 powers, duties, rights, and responsibilities related to State
5 healthcare purchasing under this Code that were exercised by
6 the Department of Corrections before the effective date of
7 Executive Order 3 (2005) but that pertain to individuals
8 resident in facilities operated by the Department of Juvenile
9 Justice are transferred to the Department of Juvenile Justice.

10 (6) The Department of Corrections shall provide lactation
11 or nursing mothers rooms for personnel of the Department. The
12 rooms shall be provided in each facility of the Department
13 that employs nursing mothers. Each individual lactation room
14 must:

15 (i) contain doors that lock;

16 (ii) have an "Occupied" sign for each door;

17 (iii) contain electrical outlets for plugging in
18 breast pumps;

19 (iv) have sufficient lighting and ventilation;

20 (v) contain comfortable chairs;

21 (vi) contain a countertop or table for all necessary
22 supplies for lactation;

23 (vii) contain a wastebasket and chemical cleaners to
24 wash one's hands and to clean the surfaces of the
25 countertop or table;

26 (viii) have a functional sink;

1 (ix) have a minimum of one refrigerator for storage of
2 the breast milk; and

3 (x) receive routine daily maintenance.

4 (Source: P.A. 103-834, eff. 1-1-25; 104-27, eff. 1-1-26;
5 104-159, eff. 1-1-26; revised 11-21-25.)

6 (730 ILCS 5/3-7-6a new)

7 Sec. 3-7-6a. Reimbursement for expenses.

8 (a) Responsibility of committed persons. For the purposes
9 of this Section, "committed persons" means those persons who
10 through judicial determination have been placed in the custody
11 of the Department on the basis of a conviction as an adult.
12 Committed persons shall be responsible to reimburse the
13 Department for the expenses incurred by their incarceration at
14 a rate to be determined by the Department in accordance with
15 this Section.

16 (1) Committed persons shall fully cooperate with the
17 Department by providing complete financial information for
18 the purposes under this Section.

19 (2) The failure of a committed person to fully
20 cooperate as provided for in clauses (3) and (4) of
21 subsection (a-5) shall be considered for purposes of a
22 parole determination. Any committed person who willfully
23 refuses to cooperate with the obligations set forth in
24 this Section may be subject to the loss of sentence credit
25 towards his or her sentence of up to 180 days.

1 (a-5) Assets information form.

2 (1) The Department shall develop a form, which shall
3 be used by the Department to obtain information from all
4 committed persons regarding assets of the persons.

5 (2) In order to enable the Department to determine the
6 financial status of the committed person, the form shall
7 provide for obtaining the age and marital status of a
8 committed person, the number and ages of children of the
9 person, the number and ages of other dependents, the type
10 and value of real estate, the type and value of personal
11 property, cash and bank accounts, the location of any lock
12 boxes, the type and value of investments, pensions and
13 annuities and any other personalty of significant cash
14 value, including but not limited to jewelry, art work and
15 collectables, and all medical or dental insurance policies
16 covering the committed person. The form may also provide
17 for other information deemed pertinent by the Department
18 in the investigation of a committed person's assets.

19 (3) Upon being developed, the form shall be submitted
20 to each committed person as of the date the form is
21 developed and to every committed person who thereafter is
22 sentenced to imprisonment under the jurisdiction of the
23 Department. The form may be resubmitted to a committed
24 person by the Department for purpose of obtaining current
25 information regarding the assets of the person.

26 (4) Every committed person shall complete the form or

1 provide for completion of the form and the committed
2 person shall swear under oath or affirm that to the best of
3 his or her knowledge the information provided is complete
4 and accurate.

5 (b) Expenses. The rate at which sums to be charged for the
6 expenses incurred by a committed person for his or her
7 confinement shall be computed by the Department as the average
8 per capita cost per day for all inmates of that institution or
9 facility for that fiscal year. The average per capita cost per
10 day shall be computed by the Department based on the average
11 per capita cost per day for the operation of that institution
12 or facility for the fiscal year immediately preceding the
13 period of incarceration for which the rate is being
14 calculated. The Department shall establish rules and
15 regulations providing for the computation of the above costs,
16 and shall determine the average per capita cost per day for
17 each of its institutions or facilities for each fiscal year.
18 The Department shall have the power to modify its rules and
19 regulations, so as to provide for the most accurate and most
20 current average per capita cost per day computation. Where the
21 committed person is placed in a facility outside the
22 Department, the Department may pay the actual cost of services
23 in that facility, and may collect reimbursement for the entire
24 amount paid from the committed person receiving those
25 services.

26 (c) Records. The records of the Department, including, but

1 not limited to, those relating to: the average per capita cost
2 per day for a particular institution or facility for a
3 particular year, and the calculation of the average per capita
4 cost per day; the average daily population of a particular
5 Department correctional institution or facility for a
6 particular year; the specific placement of a particular
7 committed person in various Department correctional
8 institutions or facilities for various periods of time; and
9 the record of transactions of a particular committed person's
10 trust account under Section 3-4-3 of this Act; may be proved in
11 any legal proceeding, by a reproduced copy thereof or by a
12 computer printout of Department records, under the certificate
13 of the Director. If reproduced copies are used, the Director
14 must certify that those are true and exact copies of the
15 records on file with the Department. If computer printouts of
16 records of the Department are offered as proof, the Director
17 must certify that those computer printouts are true and exact
18 representations of records properly entered into standard
19 electronic computing equipment, in the regular course of the
20 Department's business, at or reasonably near the time of the
21 occurrence of the facts recorded, from trustworthy and
22 reliable information. The reproduced copy or computer printout
23 shall, without further proof, be admitted into evidence in any
24 legal proceeding, and shall be prima facie correct and prima
25 facie evidence of the accuracy of the information contained
26 therein.

1 (d) Authority. The Director, or the Director's designee,
2 may, when he or she knows or reasonably believes that a
3 committed person, or the estate of that person, has assets
4 which may be used to satisfy all or part of a judgment rendered
5 under this Act, or when he or she knows or reasonably believes
6 that a committed person is engaged in gang-related activity
7 and has a substantial sum of money or other assets, provide for
8 the forwarding to the Attorney General of a report on the
9 committed person and that report shall contain a completed
10 form under subsection (a-5) together with all other
11 information available concerning the assets of the committed
12 person and an estimate of the total expenses for that
13 committed person, and authorize the Attorney General to
14 institute proceedings to require the persons, or the estates
15 of the persons, to reimburse the Department for the expenses
16 incurred by their incarceration. The Attorney General, upon
17 authorization of the Director, or the Director's designee,
18 shall institute actions on behalf of the Department and pursue
19 claims on the Department's behalf in probate and bankruptcy
20 proceedings, to recover from committed persons the expenses
21 incurred by their confinement. For purposes of this subsection
22 (d), "gang-related" activity has the meaning ascribed to it in
23 Section 10 of the Illinois Streetgang Terrorism Omnibus
24 Prevention Act.

25 (e) Scope and limitations.

26 (1) No action under this Section shall be initiated

1 more than 2 years after the release or death of the
2 committed person in question.

3 (2) The death of a convicted person, by execution or
4 otherwise, while committed to a Department correctional
5 institution or facility shall not act as a bar to any
6 action or proceeding under this Section.

7 (3) The assets of a committed person, for the purposes
8 of this Section, shall include any property, tangible or
9 intangible, real or personal, belonging to or due to a
10 committed or formerly committed person including income or
11 payments to the person from social security, worker's
12 compensation, veteran's compensation, pension benefits, or
13 from any other source whatsoever and any and all assets
14 and property of whatever character held in the name of the
15 person, held for the benefit of the person, or payable or
16 otherwise deliverable to the person. Any trust, or portion
17 of a trust, of which a convicted person is a beneficiary,
18 shall be construed as an asset of the person, to the extent
19 that benefits thereunder are required to be paid to the
20 person, or shall in fact be paid to the person. At the time
21 of a legal proceeding by the Attorney General under this
22 Section, if it appears that the committed person has any
23 assets which ought to be subjected to the claim of the
24 Department under this Section, the court may issue an
25 order requiring any person, corporation, or other legal
26 entity possessed or having custody of those assets to

1 appropriate any of the assets or a portion thereof toward
2 reimbursing the Department as provided for under this
3 Section. No provision of this Section shall be construed
4 in violation of any State or federal limitation on the
5 collection of money judgments.

6 (4) Nothing in this Section shall preclude the
7 Department from applying federal benefits that are
8 specifically provided for the care and treatment of a
9 committed person toward the cost of care provided by a
10 State facility or private agency.

11 (730 ILCS 5/3-12-2) (from Ch. 38, par. 1003-12-2)

12 Sec. 3-12-2. Types of employment.

13 (a) The Department shall provide inmate workers for
14 Illinois Correctional Industries to work in programs
15 established to train and employ committed persons in the
16 production of food stuffs and finished goods and any articles,
17 materials or supplies for resale to State agencies and
18 authorized purchasers. It may also employ committed persons on
19 public works, buildings and property, the conservation of
20 natural resources of the State, anti-pollution or
21 environmental control projects, or for other public purposes,
22 for the maintenance of the Department's buildings and
23 properties and for the production of food or other necessities
24 for its programs. The Department may establish, maintain and
25 employ committed persons in the production of vehicle

1 registration plates. A committed person's labor shall not be
2 sold, contracted or hired out by the Department except under
3 this Article.

4 (b) Works of art, literature, handicraft or other items
5 produced by committed persons as an avocation and not as a
6 product of a work program of the Department may be sold to the
7 public under rules and regulations established by the
8 Department. The cost of selling such products may be deducted
9 from the proceeds, and the balance shall be credited to the
10 person's account under Section 3-4-3. The Department shall
11 notify the Attorney General of the existence of any proceeds
12 which it believes should be applied towards a satisfaction, in
13 whole or in part, of the person's incarceration costs.

14 (Source: P.A. 101-235, eff. 1-1-20.)

15 (730 ILCS 5/3-12-5) (from Ch. 38, par. 1003-12-5)

16 Sec. 3-12-5. Compensation. Persons performing a work
17 assignment under subsection (a) of Section 3-12-2 may receive
18 wages under rules and regulations of the Department. In
19 determining rates of compensation, the Department shall
20 consider the effort, skill and economic value of the work
21 performed. Compensation may be given to persons who
22 participate in other programs of the Department. Of the
23 compensation earned pursuant to this Section, a portion, as
24 determined by the Department, shall be used to offset the cost
25 of the committed person's incarceration. If the committed

1 person files a lawsuit determined frivolous under Article XXII
2 of the Code of Civil Procedure, 50% of the compensation shall
3 be used to offset the filing fees and costs of the lawsuit as
4 provided in that Article until all fees and costs are paid in
5 full. All other wages shall be deposited in the individual's
6 account under rules and regulations of the Department. The
7 Department shall notify the Attorney General of any
8 compensation applied towards a satisfaction, in whole or in
9 part, of the person's incarceration costs.

10 (Source: P.A. 101-235, eff. 1-1-20.)

11 Section 10. The Code of Civil Procedure is amended by
12 changing Section 4-101 as follows:

13 (735 ILCS 5/4-101) (from Ch. 110, par. 4-101)

14 Sec. 4-101. Cause. In any court having competent
15 jurisdiction, a creditor having a money claim, whether
16 liquidated or unliquidated, and whether sounding in contract
17 or tort, or based upon a statutory cause of action created by
18 law in favor of the People of the State of Illinois, or any
19 agency of the State, may have an attachment against the
20 property of his or her debtor, or that of any one or more of
21 several debtors, either at the time of commencement of the
22 action or thereafter, when the claim exceeds \$20, in any one of
23 the following cases:

24 1. Where the debtor is not a resident of this State.

1 2. When the debtor conceals himself or herself or
2 stands in defiance of an officer, so that process cannot
3 be served upon him or her.

4 3. Where the debtor has departed from this State with
5 the intention of having his or her effects removed from
6 this State.

7 4. Where the debtor is about to depart from this State
8 with the intention of having his or her effects removed
9 from this State.

10 5. Where the debtor is about to remove his or her
11 property from this State to the injury of such creditor.

12 6. Where the debtor has within 2 years preceding the
13 filing of the affidavit required, fraudulently conveyed or
14 assigned his or her effects, or a part thereof, so as to
15 hinder or delay his or her creditors.

16 7. Where the debtor has, within 2 years prior to the
17 filing of such affidavit, fraudulently concealed or
18 disposed of his or her property so as to hinder or delay
19 his or her creditors.

20 8. Where the debtor is about fraudulently to conceal,
21 assign, or otherwise dispose of his or her property or
22 effects, so as to hinder or delay his or her creditors.

23 9. Where the debt sued for was fraudulently contracted
24 on the part of the debtor. The statements of the debtor,
25 his or her agent or attorney, which constitute the fraud,
26 shall have been reduced to writing, and his or her

1 signature attached thereto, by himself or herself, agent
2 or attorney.

3 10. When the debtor is a person convicted of first
4 degree murder, a Class X felony, or aggravated kidnapping,
5 or found not guilty by reason of insanity or guilty but
6 mentally ill of first degree murder, a Class X felony, or
7 aggravated kidnapping, against the creditor and that crime
8 makes the creditor a "victim" under the Criminal Victims'
9 Asset Discovery Act.

10 11. When the debtor is referred by the Department of
11 Corrections to the Attorney General under Section 3-7-6a
12 of the Unified Code of Corrections to recover the expenses
13 incurred as a result of that debtor's cost of
14 incarceration. ~~(Blank).~~

15 (Source: P.A. 101-235, eff. 1-1-20.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.