



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3142

Introduced 1/12/2022, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 140/7	from Ch. 116, par. 207
20 ILCS 5/5-15	was 20 ILCS 5/3
20 ILCS 5/5-20	was 20 ILCS 5/4
20 ILCS 5/5-172 new	
20 ILCS 5/5-240 new	
20 ILCS 5/5-402 new	
730 ILCS 5/3-14-3	from Ch. 38, par. 1003-14-3

Creates the Department of Returning Resident Affairs Act (which may be referred to as the Second Chance State Act) and amends the Freedom of Information Act, the Civil Administrative Code of Illinois, and the Unified Code of Corrections. Contains declarations and findings. Creates the Department of Returning Resident Affairs Act. Sets forth the powers of the Department in relation to formerly incarcerated or detained individuals and other matters. Provides that the Department shall develop and administer the Second Chance State Program and specifies the establishment of hub sites to serve eligible individuals and other elements of the Program. Creates the Second Chance State Transportation Task Force to create a program to provide no-cost or low-cost transportation options for returning residents before or after their release from incarceration. Creates the Returning Residents Interagency Council to identify the manner in which State officials and agencies can designate, allocate, and coordinate the use of their resources to best support the needs of returning residents. Provides for the appointment of (i) a Director of Returning Resident Affairs who has experience working with or for a community-based organization and was incarcerated in an Illinois Department of Corrections facility for not less than one year and (ii) an Assistant Director and a General Counsel, and provides that these appointees shall serve for a 7-year period and shall be subject to removal only upon a finding of misconduct by the Executive Inspector General for the agencies of the Illinois Governor. Contains provisions regarding other matters. Provides that the provisions of the Act are severable. Effective immediately.

LRB102 22625 RLC 31768 b

1 AN ACT creating the Department of Returning Resident
2 Affairs.

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

5 Section 1. Short title; references to Act.

6 (a) This Act may be cited as the Department of Returning
7 Resident Affairs Act.

8 (b) This Act may be referred to as the Second Chance State
9 Act.

10 Section 5. Legislative declarations and findings. The
11 General Assembly finds and declares that:

12 (1) The health, welfare, and prosperity of all
13 Illinois citizens requires the State to change its
14 response to individuals impacted by the judicial system
15 from failed siloed programming to a comprehensive,
16 coordinated, and holistic approach that provides those
17 returning residents with a real second chance to succeed
18 in life.

19 (2) Approximately 42% of Illinois' working age
20 population has an arrest or conviction record. The fact
21 that many of these Illinoisans had no first chance at
22 success in life before their interaction with the judicial
23 system, let alone a real second chance after their

1 release, underscores the need to respond to these
2 individuals when their justice involvement begins without
3 waiting until it ends.

4 (3) This condition is exacerbated after these
5 individuals are released from incarceration because they
6 are often perceived as being forever irredeemable even
7 though they have paid their debt to society. Their
8 post-incarceration environment is therefore fraught with
9 barriers to their success, with obstacles impeding them
10 from accessing such basic human necessities as decent
11 housing, meaningful employment, transportation,
12 education, digital literacy, health care, and nutrition.

13 (4) The cost of those obstacles to Illinois is high,
14 both in terms of dollars and violence. Approximately 41%
15 of persons incarcerated in Illinois will recidivate within
16 3 years. Each recidivism event costs Illinois taxpayers
17 over \$151,000. The cost of recidivism in terms of violence
18 to Illinois communities is higher, with 39% of returning
19 residents being re-arrested for a violent crime within 9
20 years of release and 83% of homicide offenders in Illinois
21 having arrest or conviction records. An uncalculated cost
22 to Illinois is the loss of productivity and profitability
23 to our State's businesses that suffer from labor shortages
24 when returning residents could be supported and prepared
25 to enter the workforce.

26 (5) Illinois' current approach to returning residents

1 fails because it requires them to navigate through the
2 requirements of numerous disjointed, siloed, and
3 uncoordinated programs that do not fit their individual
4 needs and without the fundamental knowledge, tools, and
5 assistance needed for those returning residents to
6 navigate them.

7 (6) It is in the best interests of all Illinois
8 citizens for the State to reduce the cost of recidivism by
9 moving from this failed approach. It is therefore in the
10 best interests of all Illinois citizens for the State to
11 create a comprehensive, coordinated, and holistic program
12 that provides returning residents with effective
13 assistance to respond to the social determinants and
14 obstacles that impede their successful reentry to society.

15 (7) This approach is best achieved by the State's
16 creation of a single Department to coordinate the
17 provision of programs to returning residents through
18 community-based navigators working for community-based
19 organizations. Those navigators and community-based
20 organizations understand returning residents' assessed and
21 individualized needs because they work in the communities
22 where returning residents live. With this experience, they
23 can support returning residents with the resources and
24 assistance they need to navigate through and connect with
25 the multiple systems and service providers that returning
26 residents require to be successful in life.

1 (8) The General Assembly therefore finds that it is
2 necessary to create the Department of Returning Resident
3 Affairs and to require the Department to take the actions
4 and establish the programs described in this Act.

5 Section 10. Definitions. As used in this Act:

6 "Community-based organization" means a private, non-profit
7 entity that has established and demonstrable experience
8 providing services to Illinois' returning resident community
9 and an understanding of the issues affecting those returning
10 residents, which is evidenced by:

11 (1) the provision of services to returning residents
12 in Illinois for at least 5 years;

13 (2) experience providing returning residents with
14 assistance regarding issues necessary for those returning
15 residents' success in life, including, without limitation,
16 job preparation training, skills training, job placement,
17 housing, financial and digital literacy, and physical and
18 behavioral health;

19 (3) experience providing educational programming to
20 returning residents;

21 (4) experience providing that assistance on a
22 comprehensive, coordinated, and holistic basis;

23 (5) experience using service delivery systems that
24 employ the navigators or personnel similar to the
25 navigators described in this Act to connect returning

1 residents to other community-based service providers;

2 (6) establishment of relationships with other
3 community-based service providers that serve returning
4 residents' needs;

5 (7) the organization's history of employing returning
6 residents; and

7 (8) the organization's leadership reflecting the
8 diversity of the community in which the organization
9 operates.

10 "Council" means the Returning Resident Interagency
11 Council.

12 "Director" means the Director of Returning Resident
13 Affairs.

14 "Department" means the Department of Returning Resident
15 Affairs.

16 "For-profit correctional entity" means a person or entity
17 that directly, indirectly, or beneficially operates a
18 correctional or detention facility for profit.

19 "Hub site operator" means the community-based organization
20 that contracts with the Department to operate a hub site under
21 the Program;

22 "Navigator" means one of the various types of navigators
23 described in this Act who are employed by or contracted with a
24 hub site operator under the Program.

25 "Program" means the Second Chance State Program described
26 in this Act.

1 "Program participant" means a returning resident who has
2 consented to participate in the Program.

3 "Returning resident" means an Illinois resident who is at
4 least 17 years old and:

5 (1) has been detained by a law enforcement officer or
6 correctional officer of this State or any agency or
7 political subdivision of this State;

8 (2) is a defendant in a criminal prosecution pending
9 in any State or federal court sitting in the State of
10 Illinois;

11 (3) is incarcerated or otherwise detained in any
12 local, county, State, or federal correctional or detention
13 facility located in the State of Illinois; or

14 (4) has been incarcerated or otherwise detained in any
15 local, county, State, or federal correctional or detention
16 facility.

17 Section 15. Creation of the Department of Returning
18 Resident Affairs. The Department of Returning Resident Affairs
19 is created. The Department shall exercise governmental and
20 public powers, be perpetual in duration, and have the powers
21 and duties enumerated in this Act, together with other powers
22 and duties conferred upon it by law and powers and duties that
23 are necessary or implied for the purpose of effectuating the
24 policy declared in Section 5.

1 Section 20. General powers of the Department.

2 (a) Except as otherwise limited by this Act, the
3 Department has all of the powers necessary or convenient to
4 carry out the purposes and provisions of this Act, including,
5 without limitation, each of the following:

6 (1) To have a corporate seal, and to alter that seal at
7 pleasure, and to use it by causing it or a facsimile to be
8 affixed or impressed or reproduced in any other manner.

9 (2) To obtain and employ personnel and hire
10 consultants that are necessary to fulfill the Department's
11 purposes, and to make expenditures for that purpose within
12 the appropriations for that purpose.

13 (3) To purchase, receive, take by grant, gift, devise,
14 bequest, or otherwise, lease, or otherwise acquire, own,
15 hold, improve, employ, use, convey in whole or in part,
16 and otherwise deal in and with real or personal property
17 whether tangible or intangible, or any interest therein,
18 within the State.

19 (4) To make and execute agreements, contracts, and
20 other instruments necessary or convenient in the exercise
21 of the powers and functions of the Department under this
22 Act, including contracts with any person, local
23 government, State Department, or other entity. All State
24 agencies and all local governments are authorized to enter
25 into and do all things necessary to perform any such
26 agreement, contract, or other instrument with the

1 Department. No such agreement, contract, or other
2 instrument shall exceed 40 years.

3 (6) To maintain the Department at such place or places
4 in the State as it may determine.

5 (7) To request information, and to make any inquiry,
6 investigation, survey, or study that the Department may
7 deem necessary to enable it effectively to carry out the
8 provisions of this Act.

9 (8) To accept and expend appropriations.

10 (9) To engage in any activity or operation that is
11 incidental to and in furtherance of efficient operation to
12 accomplish the Department's purposes.

13 (10) To adopt, revise, amend, and repeal rules with
14 respect to its operations as may be necessary or
15 convenient to carry out the purposes of this Act, subject
16 to the provisions of the Illinois Administrative Procedure
17 Act. The Department shall consult and collaborate with
18 community-based organizations in a meaningful manner when
19 developing the rules. The Department shall provide all
20 community-based organizations that file a written
21 statement of interest with the Department with at least 10
22 business days to comment on any proposed rules of the
23 Department before the Department publishes notice of the
24 proposed rules in the Illinois Register in accordance with
25 Section 5-40 of the Illinois Administrative Procedure Act.

26 (b) Unless otherwise stated, the Department is subject to

1 the provisions of all applicable laws, including, but not
2 limited to:

- 3 (1) The State Records Act.
- 4 (2) The Illinois Procurement Code.
- 5 (3) The Freedom of Information Act.
- 6 (4) The State Property Control Act.

7 Section 25. Illinois Administrative Procedure Act. The
8 provisions of the Illinois Administrative Procedure Act shall
9 apply to all administrative rules and procedures of the
10 Department.

11 Section 30. Administrative Review Law. Any final
12 administrative decision of the Department is subject to review
13 under the Administrative Review Law.

14 Section 35. Illinois State Auditing Act. For purposes of
15 the Illinois State Auditing Act, the Department is a State
16 agency within the meaning of that Act and is subject to the
17 jurisdiction of the Auditor General.

18 Section 40. Department officials.

19 (a) The Department shall have a Director who meets the
20 qualifications specified in subsection (a) of Section 5-240 of
21 the Civil Administrative Code of Illinois.

22 (b) The Department shall have an Assistant Director and

1 General Counsel who meet the qualifications specified in
2 subsection (b) of Section 5-240 of the Civil Administrative
3 Code of Illinois.

4 Section 45. The Second Chance State Program.

5 (a) Subject to appropriation, within one year of the
6 effective date of this Act, the Department shall develop,
7 create, implement, and administer the Second Chance State
8 Program.

9 (b) The following actions shall be taken to implement the
10 Program:

11 (1) Within 2 hours after making an arrest, or sooner
12 if the arrestee is released in less than 2 hours, each law
13 enforcement officer shall provide each person that the law
14 enforcement officer arrests with information about the
15 Program, including, without limitation, contact
16 information for the Program and an opportunity for the
17 arrestee to consent to the law enforcement officer's
18 direct referral of the arrestee to the Program. Upon the
19 arrestee's consent to such direct referral and provision
20 of appropriate contact information to the law enforcement
21 officer, that law enforcement officer shall forward the
22 arrestee's consent and contact information to the Program
23 within 5 business days after the law enforcement officer
24 receives such information.

25 (2) Simultaneously with a defendant's first appearance

1 in a criminal proceeding, the clerk of the circuit court
2 where the defendant's case is pending shall provide the
3 defendant with information about the Program, including,
4 without limitation, contact information for the Program
5 and an opportunity for the defendant to consent to the
6 clerk's direct referral of the defendant to the Program.
7 Upon the defendant's consent to such direct referral and
8 provision of appropriate contact information to the clerk,
9 that clerk shall forward the defendant's consent and
10 contact information to the Program within 5 business days
11 after the clerk receives such information.

12 (3) Each county sheriff shall provide the following to
13 each person detained in a facility over which that sheriff
14 has jurisdiction, prior to each detainee's release from
15 the facility: (A) information about the Program,
16 including, without limitation, contact information for the
17 Program and (B) an opportunity for the detainee to consent
18 to the sheriff's direct referral of the detainee to the
19 Program. Upon the detainee's consent to such direct
20 referral and provision of appropriate contact information
21 to the sheriff, that sheriff shall forward the detainee's
22 consent and contact information to the Program within 5
23 business days after the sheriff receives such information.

24 (4) The Department of Corrections shall provide the
25 following to each person incarcerated in a facility
26 operated directly by or under contract with the Department

1 of Corrections within 6 months of the individual's
2 projected release from the facility: (A) information about
3 the Program, including, without limitation, contact
4 information for the Program and (B) an opportunity for the
5 incarcerated individual to consent to the Department of
6 Corrections' direct referral of the individual to the
7 Program. Upon the incarcerated individual's consent to
8 such direct referral and provision of appropriate contact
9 information to the Department of Corrections, the
10 Department of Corrections shall forward the incarcerated
11 individual's consent and contact information to the
12 Program within 5 business days after the Department of
13 Corrections receives such information.

14 (5) The Department shall provide both hard copy and
15 electronic versions of the information and consent forms
16 described in this Act in English, Spanish, Polish, and
17 such other languages as the Department may choose to
18 clerks of the circuit court, county sheriffs, the
19 Department of Corrections, and other entities that request
20 such information and forms. The Department shall create a
21 system that allows for law enforcement officers, clerks of
22 the circuit court, the Department of Corrections, and
23 others to electronically transmit information to the
24 Department that is required by this Act in the most
25 reasonably efficient and expeditious manner. The
26 obligations imposed upon law enforcement officers, clerks

1 of the circuit court, the Department of Corrections, and
2 others by this Act shall not be held in abeyance or
3 otherwise altered while the Department creates such a
4 system.

5 (6) The Department shall, on its own or under contract
6 with a community-based organization, maintain a
7 non-automated, toll-free telephone hotline for returning
8 residents to contact about their immediate needs and
9 referral to the Program. That hotline shall be solely
10 answered and staffed by individuals trained to triage and
11 otherwise provide a trauma-informed response to the needs
12 of returning residents who may be experiencing a crisis.
13 The Department shall endeavor to cause the hotline to be
14 staffed in a manner that allows for callers to it to be
15 connected to hotline staff within not less than 10 minutes
16 after the call is placed. Hotline staff shall connect
17 returning residents who call the hotline to:

18 (A) a suicide prevention hotline or qualified
19 mental health professional that can respond to the
20 caller's immediate needs if hotline staff determines
21 that the caller is in danger of harming the caller or
22 others;

23 (B) community-based organizations or
24 community-based providers that can respond to other
25 immediate needs of the caller;

26 (C) a hub site for participation in the Program if

1 the caller is a returning resident who consents to
2 such referral and provides the hotline with
3 information necessary to make the referral.

4 The Department shall partner, collaborate, and
5 otherwise work with community-based organizations to
6 develop a plan to publicize and promote this hotline.

7 (7) The Department shall partner, collaborate, and
8 otherwise work with federal correctional facilities
9 located in Illinois, other State agencies, community-based
10 organizations, community-based service providers,
11 religious and other charitable entities, and any other
12 entity it deems necessary to disseminate information about
13 the Program to returning residents and offer them an
14 opportunity to participate in the Program. Other State
15 agencies shall be required to partner, collaborate, and
16 otherwise work with the Department for this purpose.

17 (8) The Program shall be operated at 13 hub sites
18 geographically distributed across the State, including at
19 least one hub site located in or near each of the following
20 areas: Chicago (South Side), Chicago (Southwest and West
21 Sides), Waukegan, Rockford, Aurora, Joliet, Peoria,
22 Champaign, Danville, Decatur, Carbondale, East St. Louis,
23 and Alton.

24 (9) The Program's elements shall be delivered at each
25 hub site by community-based organizations, which shall act
26 as the hub site operator under contract with the

1 Department, and the community-based organization's
2 subcontractors. Recognizing the General Assembly's finding
3 that successful reentry of returning residents is
4 dependent upon a comprehensive, coordinated, and holistic
5 response, the Department shall select not more than 3
6 community-based organizations to deliver the Program's
7 elements to hub sites throughout Illinois as a hub site
8 operator, with each community-based organization
9 delivering the Program's elements as a hub site operator
10 at multiple hub sites assigned to it by the Department for
11 not less than a 3-year period. Those community-based
12 organizations may provide the Program elements as a hub
13 site operator on their own or in whole or part under
14 subcontracts with other community-based providers. The
15 Department shall employ not less than 3 Regional
16 Supervisors to oversee the work of the hub site operators.

17 (10) The Department shall electronically transmit
18 consents and contact information for each returning
19 resident that is referred to or otherwise contacts the
20 Program, to the hub site that services the geographic area
21 in which the returning resident is or expects to be
22 located within 2 business days after the Department
23 receives that information.

24 (11) The Program's elements at each hub site shall
25 consist of the following:

26 (A) Each hub site operator shall develop a network

1 of community-based service providers that provide
2 those services needed by each individual Program
3 participant to avoid incarceration and otherwise
4 succeed in life, including, without limitation,
5 pretrial services (including, without limitation,
6 facilitating participation in participatory defense
7 and restorative justice programs and other
8 alternatives to traditional criminal proceedings),
9 education, job preparation and training, skills
10 training, job placement, housing, financial and
11 digital literacy, and physical and behavioral health.

12 (B) Each hub site operator shall employ pretrial
13 navigators at each hub site it operates. Each
14 returning resident who has been detained by law
15 enforcement or is a defendant in a criminal action and
16 who consents to participation in the Program shall be
17 assigned to a pretrial navigator.

18 (C) Law enforcement officers shall allow and
19 facilitate communications and in-person visits between
20 arrestees who have consented to referral to the
21 Program and pretrial navigators assigned to those
22 arrestees.

23 (D) Each hub site operator shall employ reentry
24 navigators at each hub site it operates. Each
25 returning resident who consents to participation in
26 the Program shall be assigned to a reentry navigator.

1 (E) The Department of Corrections shall allow and
2 facilitate communications and in-person visits between
3 returning residents incarcerated in correctional
4 facilities operated directly by or under contract with
5 the Department of Corrections and who have consented
6 to referral to the Program and the reentry navigators
7 assigned to those returning residents, for the
8 purposes establishing a seamless transition of those
9 returning residents from the Department of Corrections
10 to the Program upon the returning residents' release
11 from incarceration. Upon the consent of a returning
12 resident, the Department of Corrections shall provide
13 the reentry navigator assigned to the returning
14 resident with all:

15 (i) Medicaid-related information pertaining to
16 the returning resident that was obtained under
17 subsection (a-4) of Section 3-14-1 of the Unified
18 Code of Corrections; and

19 (ii) health care coverage information
20 pertaining to the returning resident that was
21 obtained under subsection (f) of Section 3-14-1 of
22 the Unified Code of Corrections.

23 Upon a returning resident's release from
24 incarceration, the Department of Corrections shall
25 also provide that returning resident with one month's
26 supply of any prescribed medications the returning

1 resident was taking at the time of the returning
2 resident's release.

3 (F) Each county sheriff shall allow and facilitate
4 communications and in-person visits between returning
5 residents appearing in courts within that sheriff's
6 jurisdiction or detained in facilities operated
7 directly by or under contract with the county sheriff
8 and who have consented to referral to the Program and
9 the navigators assigned to those returning residents,
10 for the purpose of establishing a seamless transition
11 of those returning residents from those facilities to
12 the Program upon the returning residents' release from
13 detention.

14 (G) Navigators shall be in regular communication
15 with the Program participants assigned to them for the
16 purposes of:

17 (i) assessing that participant's individual
18 needs to avoid recidivating and otherwise succeed
19 in life;

20 (ii) determining what community-based service
21 providers or others are best suited to provide
22 services to the participant that are necessary for
23 that purpose;

24 (iii) maintaining regular and continuing
25 contact with the Program participant for as long
26 as is necessary to ensure that the participant's

1 needs are being met and until the navigator
2 reasonably believes that the participant is not in
3 danger of recidivating; and

4 (iv) providing other services that the
5 navigator may be required or authorized to provide
6 under law.

7 (H) Each hub site operator shall endeavor to limit
8 each navigator's active caseload of Program
9 participants assigned to that navigator to not more
10 than 25 returning residents.

11 (I) Each hub site operator shall employ one or
12 more Education Counselors at each hub site it operates
13 to assist pretrial and reentry navigators at that site
14 with obtaining and facilitating educational and
15 education-related financial aid opportunities for
16 Program participants and the presentation of
17 educational programming in correctional and detention
18 facilities. Each hub site shall conduct educational
19 programming for Program participants before, during,
20 and after they have been incarcerated or detained. The
21 Department of Corrections shall allow and facilitate
22 in-person and virtual contact between returning
23 residents incarcerated in correctional facilities
24 operated directly by or under contract with the
25 Department of Corrections and hub site personnel for
26 the purpose of conducting this programming. Each

1 county sheriff shall allow and facilitate in-person
2 and virtual contact between returning residents
3 detained in facilities operated directly by or under
4 contract with the county sheriff and hub site
5 personnel for the purpose of conducting this
6 programming.

7 (J) Each hub site operator shall employ one or
8 more housing counselors at each hub site that it
9 operates, to assist pretrial and reentry navigators at
10 that site with housing issues affecting Program
11 participants.

12 (K) Each hub site operator shall employ one or
13 more job developers at each hub site that it operates,
14 to assist pretrial and reentry navigators at that site
15 with employment issues affecting Program participants.

16 (L) Each hub site operator shall employ one or
17 more qualified mental health professionals at each hub
18 site that it operates, to provide behavioral health
19 treatment to Program participants and assist pretrial
20 and reentry navigators at that site with behavioral
21 health issues affecting Program participants. Each hub
22 site operator shall endeavor to limit the caseload of
23 Program participants assigned to each qualified mental
24 health professional for treatment by that qualified
25 mental health professional to 25 Program participants.

26 (M) Each hub site operator shall employ one or

1 more certified alcohol and drug counselors at each hub
2 site that it operates to assist pretrial and reentry
3 navigators at that site with substance abuse issues
4 affecting Program participants. Each hub site operator
5 shall endeavor to limit the caseload of Program
6 participants assigned to each certified alcohol and
7 drug counselor for treatment by that counselor to 25
8 Program participants.

9 (N) Each hub site operator shall employ one or
10 more persons who have been incarcerated to work as
11 certified peer support specialists at each hub site
12 that it operates. Each certified peer support
13 specialist shall assist Program participants with such
14 matters that include, without limitation, articulating
15 goals, developing plans, learning and practicing new
16 skills, monitoring progress, treatment support,
17 effective coping techniques, and self-help strategies,
18 and shall also assist pretrial and reentry navigators
19 at that site with issues affecting Program
20 participants. Each hub site operator shall endeavor to
21 limit the caseload of Program participants assigned to
22 each certified peer support specialists to 25 Program
23 participants.

24 (O) Within 2 years of the date of a hub site
25 operator's contract with the Department to operate a
26 hub site, the hub site operator shall develop and

1 implement a program to train individuals for
2 certification as certified alcohol and drug counselors
3 and certified peer support specialists without charge
4 to those individuals. Preference for such training
5 shall be given to persons who have been incarcerated.

6 (P) When making employment decisions regarding the
7 employment of individuals at their hub sites, hub site
8 operators shall give preference to persons who have
9 been incarcerated. Hub site operators shall only
10 employ persons who have been incarcerated as certified
11 peer support specialists.

12 (Q) Hub site operators and the hub sites they
13 operate shall partner, collaborate, and otherwise work
14 together to develop best practices to achieve the
15 purposes of this Act and leverage resources available
16 for those purposes. The Department shall convene
17 in-person meetings or virtual meetings of all hub site
18 operators for this purpose on not less than a monthly
19 basis.

20 (R) The Department and the hub site operators
21 shall operate each hub site in cooperation and
22 geographic proximity with any hub sites that may be
23 operated under the Clean Jobs Workforce Network
24 Program, Clean Energy Contractor Incubator Program,
25 Returning Residents Clean Jobs Training Program,
26 Illinois Climate Works Preapprenticeship Program, or

1 Clean Energy Primes Contractor Accelerator Program.

2 Section 50. Metrics and reporting.

3 (a) Each hub site operator shall report the following to
4 the Department on a quarterly basis for Program participants
5 served by the hub site:

6 (1) the total number of Program participants referred
7 to, assessed by, and enrolled in a program by the hub site
8 and total number of those Program participants who
9 successfully completed a program related to their referral
10 to the hub site;

11 (2) pretrial program referrals and 90-day, 180-day,
12 1-year, 2-year, 3-year, 5-year, and 7-year incarceration
13 or recidivism rates for Program participants referred to
14 those programs, categorized by incarceration or recidivism
15 resulting from:

16 (i) violation of court-imposed restrictions;
17 (ii) alleged commission of a violent crime; and
18 (iii) alleged commission of a non-violent crime;

19 (3) 90-day, 180-day, 1-year, 2-year, 3-year, 5-year,
20 and 7-year recidivism rates for Program participants,
21 categorized by the recidivism resulting from:

22 (i) violation of probation, violation of mandatory
23 supervised release, technical parole violation, or
24 similar activity;

25 (ii) alleged commission of a violent crime; and

- 1 (iii) alleged commission of a non-violent crime;
- 2 (4) job referrals, job starts, and 30-day, 60-day,
3 90-day, and 365-day job retention data;
- 4 (5) preapprenticeship training referrals,
5 preapprenticeship training acceptances, apprenticeship
6 program referrals, apprenticeship program acceptances and
7 30-day, 60-day, 90-day, and 365-day job retention data;
- 8 (6) the number of hours of educational programming
9 provided in correctional or detention facilities and the
10 number of incarcerated or detained individuals attending
11 that programming;
- 12 (7) educational referrals and placements, including,
13 without limitation, referrals to and placements in high
14 school equivalency programs, postsecondary educational
15 classes, and vocational classes;
- 16 (8) housing referrals, housing placements 30-day,
17 60-day, 90-day, and 365-day housing retention data,
18 categorized by transitional housing and permanent housing;
- 19 (9) non-hospital admission medical referrals,
20 non-hospital admission medical placements; hospital
21 admission referrals, hospital admission placements;
- 22 (10) behavioral health service referrals, behavioral
23 health assessments, behavioral health program enrollments,
24 and successful completions of behavioral health programs;
- 25 (11) substance or alcohol abuse referrals, substance
26 or alcohol abuse assessments, substance or alcohol abuse

1 treatment enrollments, and successful completions of
2 substance or alcohol abuse treatment programs;

3 (12) referrals to other community-based service
4 providers and placements with those providers, categorized
5 by provider;

6 (13) financial expenditures for the operation of the
7 Program, itemized by categories, which shall be determined
8 by the Department; and

9 (14) such other information as the Department may
10 require.

11 (b) To facilitate the reporting required under this
12 Section that pertains to incarcerations or recidivism, the
13 Department shall provide the Department of Corrections with
14 the identity of all Program participants who were not
15 incarcerated while participating in the Program, on a monthly
16 basis. Within 10 business days of the Department of
17 Corrections' receipt of that information, the Department of
18 Corrections shall provide the Department with the identities
19 of all such Program participants who are incarcerated in
20 facilities operated by or under contract with the Department
21 of Corrections. The Department of Corrections shall also
22 provide the Department with such other information as the
23 Department reasonably requires for reporting purposes or to
24 otherwise implement or conduct the Program.

25 (c) The Department shall make the reports provided to it
26 by the hub site operators under this Section available on the

1 Department's website.

2 (d) The Department shall make an annual report to the
3 Governor and General Assembly that includes cumulative data
4 that reflects the information provided to the Department under
5 this Section.

6 (e) The Department shall annually perform an analysis of
7 the financial costs and benefits of the Department's programs
8 and other programs that support or otherwise relate to
9 returning residents. This analysis shall include, at a
10 minimum, the financial impact of returning resident education,
11 training and employment programs and other returning resident
12 programs, the net tax revenues to the State and its political
13 subdivisions that result from returning resident programs, the
14 reduction in public assistance to returning residents that
15 results from returning resident programs, and such other
16 similar financial costs and benefits as the Director deems
17 necessary to analyze. The Governor's Office of Management and
18 Budget shall be the lead agency to provide principal support
19 to the Department for this analysis. All other State agencies
20 shall provide such information as the Department deems
21 reasonably necessary for this analysis and shall assist with
22 it. The Department shall report the findings of this analysis
23 to the General Assembly and the Governor and shall publish
24 those findings on its website.

25 Section 55. Privilege for communications by returning

1 residents.

2 (a) Except as provided in subsection (c), anything said or
3 done by an arrestee or Program participant as part of, in
4 anticipation of or as a follow-up to that that individual's
5 participation in the Program shall be privileged, shall not be
6 disclosed and may not be used in any pending or future civil,
7 criminal, juvenile, court, administrative, or other proceeding
8 unless the privilege is waived in writing by the individual
9 covered by the privilege after upon the individual's informed
10 consent.

11 (b) Any waiver of privilege provided by this Section is
12 limited to the participation and communication of the waiving
13 party only, and the participation or communications of any
14 other arrestee or Program participant shall remain privileged
15 unless waived by the other individual.

16 (c) The privilege afforded by this Section does not apply
17 if disclosure is necessary to prevent death, great bodily
18 harm, or the commission of a crime.

19 Section 60. Prohibition on relationships with for-profit
20 correctional entities.

21 (a) Neither the Department nor any hub site operator shall
22 enter into a contractual or other financial, service, or
23 volunteer relationship with and shall not pay any money or
24 provide any other form of consideration to:

25 (1) a for-profit correctional entity;

1 (2) a person or entity that directly, indirectly, or
2 beneficially, in the name of the person or entity or in the
3 name of a nominee, has an ownership interest in or other
4 form of control over more than 7 1/2% of a for-profit
5 correctional entity;

6 (3) an entity where a person or entity described in
7 paragraph (1) or (2) directly, indirectly, or
8 beneficially, in the name of the person or entity or in the
9 name of a nominee, has an ownership interest in or other
10 form of control over more than 7 1/2%;

11 (4) an entity where a person described in paragraph
12 (2) is an officer, director, trustee, administrator, or
13 employee;

14 (5) a person who is or has been an officer, director,
15 trustee, administrator, or employee of a for-profit
16 correctional entity;

17 (6) an entity where a person described in paragraph
18 (5) is an officer, director, trustee, administrator, or
19 employee;

20 (7) an entity in which a for-profit correctional
21 entity, directly, indirectly, or beneficially, in its own
22 name or in the name of a nominee, has an ownership interest
23 in or other form of control over more than 7 1/2%;

24 (8) a non-profit entity that was or is organized by,
25 operated by, or funded in part by, or has as an officer,
26 director, trustee, administrator, or employee, any person

1 or entity described in paragraphs (1) through (7).

2 (b) A hub site operator shall not assign or otherwise
3 transfer any of its powers, duties, or obligations that are
4 set forth in this Act or any agreement it enters into under
5 this Act to any person or entity described in subsection (a).
6 The Department, any officer, director, administrator, or
7 employee of the Department, a hub site operator or any
8 officer, director, trustee, administrator, or employee shall
9 not refer a returning resident for any service whatsoever to a
10 person or entity described in paragraphs (1) through (7) of
11 subsection (a).

12 (c) Each party to any contract, agreement, memorandum of
13 understanding, or similar instrument with the Department or a
14 hub site operator shall certify in writing that, under penalty
15 of perjury, the party has performed due diligence to determine
16 whether the party complies with this Section and, after
17 performing that due diligence, has determined that the party
18 complies with this Section.

19 (d) Each employee of the Department and each hub site
20 operator shall certify in writing that the employee or
21 operator performed due diligence to determine whether the
22 employee or operator complies with this Section and, after
23 performing that due diligence, has determined that the
24 employee or operator complies with this Section.

25 Section 65. Second Chance State Transportation Task Force.

1 The Second Chance State Transportation Task Force is
2 established to create a program to provide no-cost or low-cost
3 transportation options for returning residents prior to or
4 after their release from incarceration. The Task Force shall
5 consist of the following members:

6 (1) the Director or the Director's designee, who shall
7 serve as chair of the Task Force;

8 (2) one member of the House of Representatives
9 appointed by the Speaker of the House of Representatives;

10 (3) one member of the House of Representatives
11 appointed by the Minority Leader of the House of
12 Representatives;

13 (4) one member of the Senate appointed by the
14 President of the Senate;

15 (5) one member of the Senate appointed by the Minority
16 Leader of the Senate;

17 (6) one person appointed by the Secretary of
18 Transportation;

19 (7) one person appointed by the Director of Revenue
20 who, in addition to being a member of the Task Force, shall
21 also serve as an advisor and resource to the Task Force on
22 tax incentive issues;

23 (8) one person representing each of the members of the
24 Illinois Association of Regional Councils;

25 (9) one person appointed by the chair of the Regional
26 Transportation Authority;

1 (10) one person appointed by the chair of the Chicago
2 Transit Authority;

3 (11) one person appointed by every other transit
4 district in Illinois;

5 (12) three persons appointed by the Governor who
6 represent ridesharing entities;

7 (13) three persons appointed by the Governor who
8 represent the automobile sales industry;

9 (14) the mayor or president of a municipality located
10 in the geographic area serviced by each hub site created
11 for the Program, appointed by the Governor;

12 (15) one person appointed by the President of the
13 University of Illinois who shall have expertise in the
14 areas studied by the Second Chance State Transportation
15 Task Force and, in addition to being a member of the Task
16 Force, shall also serve as an advisor and resource to the
17 Task Force; and

18 (16) five persons appointed by the Governor, upon the
19 recommendation of the Director, who are returning
20 residents.

21 No person shall serve on the Task Force who is a lobbyist
22 within the meaning of the Lobbyist Registration Act. No person
23 shall serve on the Task Force who is prohibited from having a
24 relationship with the Department or a hub site operator under
25 Section 60. Members of the Task Force shall serve without
26 compensation except for reimbursement for expenses.

1 All members of the Task Force shall be appointed within 30
2 days of the appointment of the Director. The Task Force shall
3 thereafter meet every other week to the extent and in the
4 manner determined necessary by the Director. The Task Force
5 shall submit a report of its findings and recommendations to
6 the General Assembly within one year after the last member's
7 appointment and then shall be dissolved.

8 Section 70. Returning Residents Interagency Council. The
9 Returning Residents Interagency Council is established to
10 identify the manner in which State officials and agencies can
11 designate, allocate, and coordinate the use of their resources
12 to best support the needs of returning residents. The Director
13 shall be the chair of the Council. Each of the following shall
14 appoint a representative to the Council:

- 15 (1) The Attorney General.
- 16 (2) The Chief Justice of the Supreme Court.
- 17 (3) The Department on Aging.
- 18 (4) The Department of Agriculture.
- 19 (5) The Department of Central Management Services.
- 20 (6) The Department of Children and Family Services.
- 21 (7) The Department of Commerce and Economic
22 Opportunity.
- 23 (8) The Department of Corrections.
- 24 (9) The Department of Employment Security.
- 25 (10) The Department of Financial and Professional

1 Regulation.

2 (11) The Department of Healthcare and Family Services.

3 (12) The Department of Human Services.

4 (13) The Department of Innovation and Technology.

5 (14) The Department of Insurance.

6 (15) The Department of Labor.

7 (16) The Department of Public Health.

8 (17) The Department of Revenue.

9 (18) The Department of Transportation.

10 (19) The Department of Veterans' Affairs.

11 (20) The Governor's Office of Management and Budget.

12 (21) The Illinois Community College Board.

13 (22) The Illinois Criminal Justice Information
14 Authority.

15 (23) The Illinois Finance Authority.

16 (24) The Illinois Housing Development Authority.

17 (25) The State Board of Higher Education.

18 (26) The Illinois State Police.

19 (27) The Secretary of State.

20 (28) The State Superintendent of Education.

21 (29) The State Treasurer.

22 The Director may appoint other persons to the Council as
23 the Director determines necessary. The Council shall meet no
24 less than quarterly in places determined by the Director. The
25 Department shall provide the support and assistance needed by
26 the Council.

1 Section 75. Provisions of Act mandatory. Subject only to
2 appropriation, the provisions of this Act are mandatory and
3 shall not be considered to be directory or discretionary.

4 Section 905. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public
9 record that contains information that is exempt from
10 disclosure under this Section, but also contains information
11 that is not exempt from disclosure, the public body may elect
12 to redact the information that is exempt. The public body
13 shall make the remaining information available for inspection
14 and copying. Subject to this requirement, the following shall
15 be exempt from inspection and copying:

16 (a) Information specifically prohibited from
17 disclosure by federal or State law or rules and
18 regulations implementing federal or State law.

19 (b) Private information, unless disclosure is required
20 by another provision of this Act, a State or federal law or
21 a court order.

22 (b-5) Files, documents, and other data or databases
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or
2 more law enforcement agencies regarding the physical or
3 mental status of one or more individual subjects.

4 (c) Personal information contained within public
5 records, the disclosure of which would constitute a
6 clearly unwarranted invasion of personal privacy, unless
7 the disclosure is consented to in writing by the
8 individual subjects of the information. "Unwarranted
9 invasion of personal privacy" means the disclosure of
10 information that is highly personal or objectionable to a
11 reasonable person and in which the subject's right to
12 privacy outweighs any legitimate public interest in
13 obtaining the information. The disclosure of information
14 that bears on the public duties of public employees and
15 officials shall not be considered an invasion of personal
16 privacy.

17 (d) Records in the possession of any public body
18 created in the course of administrative enforcement
19 proceedings, and any law enforcement or correctional
20 agency for law enforcement purposes, but only to the
21 extent that disclosure would:

22 (i) interfere with pending or actually and
23 reasonably contemplated law enforcement proceedings
24 conducted by any law enforcement or correctional
25 agency that is the recipient of the request;

26 (ii) interfere with active administrative

1 enforcement proceedings conducted by the public body
2 that is the recipient of the request;

3 (iii) create a substantial likelihood that a
4 person will be deprived of a fair trial or an impartial
5 hearing;

6 (iv) unavoidably disclose the identity of a
7 confidential source, confidential information
8 furnished only by the confidential source, or persons
9 who file complaints with or provide information to
10 administrative, investigative, law enforcement, or
11 penal agencies; except that the identities of
12 witnesses to traffic accidents, traffic accident
13 reports, and rescue reports shall be provided by
14 agencies of local government, except when disclosure
15 would interfere with an active criminal investigation
16 conducted by the agency that is the recipient of the
17 request;

18 (v) disclose unique or specialized investigative
19 techniques other than those generally used and known
20 or disclose internal documents of correctional
21 agencies related to detection, observation or
22 investigation of incidents of crime or misconduct, and
23 disclosure would result in demonstrable harm to the
24 agency or public body that is the recipient of the
25 request;

26 (vi) endanger the life or physical safety of law

1 enforcement personnel or any other person; or
2 (vii) obstruct an ongoing criminal investigation
3 by the agency that is the recipient of the request.

4 (d-5) A law enforcement record created for law
5 enforcement purposes and contained in a shared electronic
6 record management system if the law enforcement agency
7 that is the recipient of the request did not create the
8 record, did not participate in or have a role in any of the
9 events which are the subject of the record, and only has
10 access to the record through the shared electronic record
11 management system.

12 (d-6) Records contained in the Officer Professional
13 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois
14 Police Training Act, except to the extent authorized under
15 that Section. This includes the documents supplied to the
16 Illinois Law Enforcement Training Standards Board from the
17 Illinois State Police and Illinois State Police Merit
18 Board.

19 (e) Records that relate to or affect the security of
20 correctional institutions and detention facilities.

21 (e-5) Records requested by persons committed to the
22 Department of Corrections, Department of Human Services
23 Division of Mental Health, or a county jail if those
24 materials are available in the library of the correctional
25 institution or facility or jail where the inmate is
26 confined.

1 (e-6) Records requested by persons committed to the
2 Department of Corrections, Department of Human Services
3 Division of Mental Health, or a county jail if those
4 materials include records from staff members' personnel
5 files, staff rosters, or other staffing assignment
6 information.

7 (e-7) Records requested by persons committed to the
8 Department of Corrections or Department of Human Services
9 Division of Mental Health if those materials are available
10 through an administrative request to the Department of
11 Corrections or Department of Human Services Division of
12 Mental Health.

13 (e-8) Records requested by a person committed to the
14 Department of Corrections, Department of Human Services
15 Division of Mental Health, or a county jail, the
16 disclosure of which would result in the risk of harm to any
17 person or the risk of an escape from a jail or correctional
18 institution or facility.

19 (e-9) Records requested by a person in a county jail
20 or committed to the Department of Corrections or
21 Department of Human Services Division of Mental Health,
22 containing personal information pertaining to the person's
23 victim or the victim's family, including, but not limited
24 to, a victim's home address, home telephone number, work
25 or school address, work telephone number, social security
26 number, or any other identifying information, except as

1 may be relevant to a requester's current or potential case
2 or claim.

3 (e-10) Law enforcement records of other persons
4 requested by a person committed to the Department of
5 Corrections, Department of Human Services Division of
6 Mental Health, or a county jail, including, but not
7 limited to, arrest and booking records, mug shots, and
8 crime scene photographs, except as these records may be
9 relevant to the requester's current or potential case or
10 claim.

11 (f) Preliminary drafts, notes, recommendations,
12 memoranda and other records in which opinions are
13 expressed, or policies or actions are formulated, except
14 that a specific record or relevant portion of a record
15 shall not be exempt when the record is publicly cited and
16 identified by the head of the public body. The exemption
17 provided in this paragraph (f) extends to all those
18 records of officers and agencies of the General Assembly
19 that pertain to the preparation of legislative documents.

20 (g) Trade secrets and commercial or financial
21 information obtained from a person or business where the
22 trade secrets or commercial or financial information are
23 furnished under a claim that they are proprietary,
24 privileged, or confidential, and that disclosure of the
25 trade secrets or commercial or financial information would
26 cause competitive harm to the person or business, and only

1 insofar as the claim directly applies to the records
2 requested.

3 The information included under this exemption includes
4 all trade secrets and commercial or financial information
5 obtained by a public body, including a public pension
6 fund, from a private equity fund or a privately held
7 company within the investment portfolio of a private
8 equity fund as a result of either investing or evaluating
9 a potential investment of public funds in a private equity
10 fund. The exemption contained in this item does not apply
11 to the aggregate financial performance information of a
12 private equity fund, nor to the identity of the fund's
13 managers or general partners. The exemption contained in
14 this item does not apply to the identity of a privately
15 held company within the investment portfolio of a private
16 equity fund, unless the disclosure of the identity of a
17 privately held company may cause competitive harm.

18 Nothing contained in this paragraph (g) shall be
19 construed to prevent a person or business from consenting
20 to disclosure.

21 (h) Proposals and bids for any contract, grant, or
22 agreement, including information which if it were
23 disclosed would frustrate procurement or give an advantage
24 to any person proposing to enter into a contractor
25 agreement with the body, until an award or final selection
26 is made. Information prepared by or for the body in

1 preparation of a bid solicitation shall be exempt until an
2 award or final selection is made.

3 (i) Valuable formulae, computer geographic systems,
4 designs, drawings and research data obtained or produced
5 by any public body when disclosure could reasonably be
6 expected to produce private gain or public loss. The
7 exemption for "computer geographic systems" provided in
8 this paragraph (i) does not extend to requests made by
9 news media as defined in Section 2 of this Act when the
10 requested information is not otherwise exempt and the only
11 purpose of the request is to access and disseminate
12 information regarding the health, safety, welfare, or
13 legal rights of the general public.

14 (j) The following information pertaining to
15 educational matters:

16 (i) test questions, scoring keys and other
17 examination data used to administer an academic
18 examination;

19 (ii) information received by a primary or
20 secondary school, college, or university under its
21 procedures for the evaluation of faculty members by
22 their academic peers;

23 (iii) information concerning a school or
24 university's adjudication of student disciplinary
25 cases, but only to the extent that disclosure would
26 unavoidably reveal the identity of the student; and

1 (iv) course materials or research materials used
2 by faculty members.

3 (k) Architects' plans, engineers' technical
4 submissions, and other construction related technical
5 documents for projects not constructed or developed in
6 whole or in part with public funds and the same for
7 projects constructed or developed with public funds,
8 including, but not limited to, power generating and
9 distribution stations and other transmission and
10 distribution facilities, water treatment facilities,
11 airport facilities, sport stadiums, convention centers,
12 and all government owned, operated, or occupied buildings,
13 but only to the extent that disclosure would compromise
14 security.

15 (l) Minutes of meetings of public bodies closed to the
16 public as provided in the Open Meetings Act until the
17 public body makes the minutes available to the public
18 under Section 2.06 of the Open Meetings Act.

19 (m) Communications between a public body and an
20 attorney or auditor representing the public body that
21 would not be subject to discovery in litigation, and
22 materials prepared or compiled by or for a public body in
23 anticipation of a criminal, civil, or administrative
24 proceeding upon the request of an attorney advising the
25 public body, and materials prepared or compiled with
26 respect to internal audits of public bodies.

1 (n) Records relating to a public body's adjudication
2 of employee grievances or disciplinary cases; however,
3 this exemption shall not extend to the final outcome of
4 cases in which discipline is imposed.

5 (o) Administrative or technical information associated
6 with automated data processing operations, including, but
7 not limited to, software, operating protocols, computer
8 program abstracts, file layouts, source listings, object
9 modules, load modules, user guides, documentation
10 pertaining to all logical and physical design of
11 computerized systems, employee manuals, and any other
12 information that, if disclosed, would jeopardize the
13 security of the system or its data or the security of
14 materials exempt under this Section.

15 (p) Records relating to collective negotiating matters
16 between public bodies and their employees or
17 representatives, except that any final contract or
18 agreement shall be subject to inspection and copying.

19 (q) Test questions, scoring keys, and other
20 examination data used to determine the qualifications of
21 an applicant for a license or employment.

22 (r) The records, documents, and information relating
23 to real estate purchase negotiations until those
24 negotiations have been completed or otherwise terminated.
25 With regard to a parcel involved in a pending or actually
26 and reasonably contemplated eminent domain proceeding

1 under the Eminent Domain Act, records, documents, and
2 information relating to that parcel shall be exempt except
3 as may be allowed under discovery rules adopted by the
4 Illinois Supreme Court. The records, documents, and
5 information relating to a real estate sale shall be exempt
6 until a sale is consummated.

7 (s) Any and all proprietary information and records
8 related to the operation of an intergovernmental risk
9 management association or self-insurance pool or jointly
10 self-administered health and accident cooperative or pool.
11 Insurance or self insurance (including any
12 intergovernmental risk management association or self
13 insurance pool) claims, loss or risk management
14 information, records, data, advice or communications.

15 (t) Information contained in or related to
16 examination, operating, or condition reports prepared by,
17 on behalf of, or for the use of a public body responsible
18 for the regulation or supervision of financial
19 institutions, insurance companies, or pharmacy benefit
20 managers, unless disclosure is otherwise required by State
21 law.

22 (u) Information that would disclose or might lead to
23 the disclosure of secret or confidential information,
24 codes, algorithms, programs, or private keys intended to
25 be used to create electronic signatures under the Uniform
26 Electronic Transactions Act.

1 (v) Vulnerability assessments, security measures, and
2 response policies or plans that are designed to identify,
3 prevent, or respond to potential attacks upon a
4 community's population or systems, facilities, or
5 installations, the destruction or contamination of which
6 would constitute a clear and present danger to the health
7 or safety of the community, but only to the extent that
8 disclosure could reasonably be expected to jeopardize the
9 effectiveness of the measures or the safety of the
10 personnel who implement them or the public. Information
11 exempt under this item may include such things as details
12 pertaining to the mobilization or deployment of personnel
13 or equipment, to the operation of communication systems or
14 protocols, or to tactical operations.

15 (w) (Blank).

16 (x) Maps and other records regarding the location or
17 security of generation, transmission, distribution,
18 storage, gathering, treatment, or switching facilities
19 owned by a utility, by a power generator, or by the
20 Illinois Power Agency.

21 (y) Information contained in or related to proposals,
22 bids, or negotiations related to electric power
23 procurement under Section 1-75 of the Illinois Power
24 Agency Act and Section 16-111.5 of the Public Utilities
25 Act that is determined to be confidential and proprietary
26 by the Illinois Power Agency or by the Illinois Commerce

1 Commission.

2 (z) Information about students exempted from
3 disclosure under Sections 10-20.38 or 34-18.29 of the
4 School Code, and information about undergraduate students
5 enrolled at an institution of higher education exempted
6 from disclosure under Section 25 of the Illinois Credit
7 Card Marketing Act of 2009.

8 (aa) Information the disclosure of which is exempted
9 under the Viatical Settlements Act of 2009.

10 (bb) Records and information provided to a mortality
11 review team and records maintained by a mortality review
12 team appointed under the Department of Juvenile Justice
13 Mortality Review Team Act.

14 (cc) Information regarding interments, entombments, or
15 inurnments of human remains that are submitted to the
16 Cemetery Oversight Database under the Cemetery Care Act or
17 the Cemetery Oversight Act, whichever is applicable.

18 (dd) Correspondence and records (i) that may not be
19 disclosed under Section 11-9 of the Illinois Public Aid
20 Code or (ii) that pertain to appeals under Section 11-8 of
21 the Illinois Public Aid Code.

22 (ee) The names, addresses, or other personal
23 information of persons who are minors and are also
24 participants and registrants in programs of park
25 districts, forest preserve districts, conservation
26 districts, recreation agencies, and special recreation

1 associations.

2 (ff) The names, addresses, or other personal
3 information of participants and registrants in programs of
4 park districts, forest preserve districts, conservation
5 districts, recreation agencies, and special recreation
6 associations where such programs are targeted primarily to
7 minors.

8 (gg) Confidential information described in Section
9 1-100 of the Illinois Independent Tax Tribunal Act of
10 2012.

11 (hh) The report submitted to the State Board of
12 Education by the School Security and Standards Task Force
13 under item (8) of subsection (d) of Section 2-3.160 of the
14 School Code and any information contained in that report.

15 (ii) Records requested by persons committed to or
16 detained by the Department of Human Services under the
17 Sexually Violent Persons Commitment Act or committed to
18 the Department of Corrections under the Sexually Dangerous
19 Persons Act if those materials: (i) are available in the
20 library of the facility where the individual is confined;
21 (ii) include records from staff members' personnel files,
22 staff rosters, or other staffing assignment information;
23 or (iii) are available through an administrative request
24 to the Department of Human Services or the Department of
25 Corrections.

26 (jj) Confidential information described in Section

1 5-535 of the Civil Administrative Code of Illinois.

2 (kk) The public body's credit card numbers, debit card
3 numbers, bank account numbers, Federal Employer
4 Identification Number, security code numbers, passwords,
5 and similar account information, the disclosure of which
6 could result in identity theft or impersonation or defrauding
7 of a governmental entity or a person.

8 (ll) Records concerning the work of the threat
9 assessment team of a school district.

10 (mm) Records reflecting or otherwise pertaining to
11 anything said or done by a returning resident (as that
12 term is defined in the Department of Returning Resident
13 Affairs Act) as part of, in anticipation of or as a
14 follow-up to that returning resident's participation in
15 the Second Chance State Program set forth in the
16 Department of Returning Resident Affairs Act or any other
17 program conducted by the Department of Returning Resident
18 Affairs.

19 (1.5) Any information exempt from disclosure under the
20 Judicial Privacy Act shall be redacted from public records
21 prior to disclosure under this Act.

22 (2) A public record that is not in the possession of a
23 public body but is in the possession of a party with whom the
24 agency has contracted to perform a governmental function on
25 behalf of the public body, and that directly relates to the
26 governmental function and is not otherwise exempt under this

1 Act, shall be considered a public record of the public body,
2 for purposes of this Act.

3 (3) This Section does not authorize withholding of
4 information or limit the availability of records to the
5 public, except as stated in this Section or otherwise provided
6 in this Act.

7 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
8 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
9 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

10 Section 910. The Civil Administrative Code of Illinois is
11 amended by changing Sections 5-15 and 5-20 and by adding
12 Sections 5-172, 5-240, and 5-402 as follows:

13 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

14 Sec. 5-15. Departments of State government. The
15 Departments of State government are created as follows:

16 The Department on Aging.

17 The Department of Agriculture.

18 The Department of Central Management Services.

19 The Department of Children and Family Services.

20 The Department of Commerce and Economic Opportunity.

21 The Department of Corrections.

22 The Department of Employment Security.

23 The Illinois Emergency Management Agency.

24 The Department of Financial and Professional Regulation.

1 The Department of Healthcare and Family Services.

2 The Department of Human Rights.

3 The Department of Human Services.

4 The Department of Innovation and Technology.

5 The Department of Insurance.

6 The Department of Juvenile Justice.

7 The Department of Labor.

8 The Department of the Lottery.

9 The Department of Natural Resources.

10 The Department of Public Health.

11 The Department of Returning Resident Affairs.

12 The Department of Revenue.

13 The Illinois State Police.

14 The Department of Transportation.

15 The Department of Veterans' Affairs.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

18 Sec. 5-20. Heads of departments. Each department shall
19 have an officer as its head who shall be known as director or
20 secretary and who shall, subject to the provisions of the
21 Civil Administrative Code of Illinois, execute the powers and
22 discharge the duties vested by law in his or her respective
23 department.

24 The following officers are hereby created:

25 Director of Aging, for the Department on Aging.

1 Director of Agriculture, for the Department of
2 Agriculture.

3 Director of Central Management Services, for the
4 Department of Central Management Services.

5 Director of Children and Family Services, for the
6 Department of Children and Family Services.

7 Director of Commerce and Economic Opportunity, for the
8 Department of Commerce and Economic Opportunity.

9 Director of Corrections, for the Department of
10 Corrections.

11 Director of the Illinois Emergency Management Agency, for
12 the Illinois Emergency Management Agency.

13 Director of Employment Security, for the Department of
14 Employment Security.

15 Secretary of Financial and Professional Regulation, for
16 the Department of Financial and Professional Regulation.

17 Director of Healthcare and Family Services, for the
18 Department of Healthcare and Family Services.

19 Director of Human Rights, for the Department of Human
20 Rights.

21 Secretary of Human Services, for the Department of Human
22 Services.

23 Secretary of Innovation and Technology, for the Department
24 of Innovation and Technology.

25 Director of Insurance, for the Department of Insurance.

26 Director of Juvenile Justice, for the Department of

1 Juvenile Justice.

2 Director of Labor, for the Department of Labor.

3 Director of the Lottery, for the Department of the
4 Lottery.

5 Director of Natural Resources, for the Department of
6 Natural Resources.

7 Director of Public Health, for the Department of Public
8 Health.

9 Director of Returning Resident Affairs, for the Department
10 of Returning Resident Affairs.

11 Director of Revenue, for the Department of Revenue.

12 Director of the Illinois State Police, for the Illinois
13 State Police.

14 Secretary of Transportation, for the Department of
15 Transportation.

16 Director of Veterans' Affairs, for the Department of
17 Veterans' Affairs.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 (20 ILCS 5/5-172 new)

20 Sec. 5-172. In the Department of Returning Resident
21 Affairs. Assistant Director of Returning Resident Affairs and
22 General Counsel of the Department of Returning Resident
23 Affairs.

24 (20 ILCS 5/5-240 new)

1 Sec. 5-240. In the Department of Returning Resident
2 Affairs.

3 (a) The Director of Returning Resident Affairs:

4 (1) shall have experience working with or for a
5 community-based organization, as that term is defined in
6 the Department of Returning Resident Affairs Act; and

7 (2) shall have been incarcerated in an Illinois
8 Department of Corrections facility for not less than one
9 year.

10 Notwithstanding any other law, the Director of Returning
11 Resident Affairs shall serve for a 7-year period and shall be
12 subject to removal only upon a finding by the Executive
13 Inspector General for the agencies of the Illinois Governor
14 that the Director has engaged in misconduct.

15 (b) The Assistant Director of Returning Resident Affairs
16 and General Counsel of the Department of Returning Resident
17 Affairs shall each be licensed to practice law in the State of
18 Illinois. Notwithstanding any other law, the Assistant
19 Director of Returning Resident Affairs and General Counsel of
20 the Department of Returning Resident Affairs shall each serve
21 for a 7-year period and shall be subject to removal only upon a
22 finding by the Executive Inspector General for the agencies of
23 the Governor that the Assistant Director of Returning Resident
24 Affairs or General Counsel of the Department of Returning
25 Resident Affairs has engaged in misconduct.

1 (20 ILCS 5/5-402 new)

2 Sec. 5-402. In the Department of Returning Resident
3 Affairs. The Director of Returning Resident Affairs, Assistant
4 Director of Returning Resident Affairs, and General Counsel of
5 the Department of Returning Resident Affairs shall each
6 receive an annual salary as set by law.

7 Section 915. The Unified Code of Corrections is amended by
8 changing Section 3-14-3 as follows:

9 (730 ILCS 5/3-14-3) (from Ch. 38, par. 1003-14-3)

10 Sec. 3-14-3. Parole services. To assist parolees or
11 releasees, the Department shall provide them with information
12 about and an opportunity to consent for referral to the Second
13 Chance State Program. The Department shall provide parolees or
14 releasees who do not consent to referral to the Second Chance
15 State Program with employment counseling and job placement
16 services, and may in addition to other services provide the
17 following:

18 (1) assistance in residential placement;

19 (2) family and individual counseling and treatment
20 placement;

21 (3) financial counseling;

22 (4) vocational and educational counseling and
23 placement; and

24 (5) referral services to any other State or local

1 agencies. The Department shall make information about the
2 availability of these services known to a parolee or
3 releasee prior to his or her release from the correctional
4 facility where the parolee or releasee has been residing.
5 The Department may purchase necessary services for a
6 parolee or releasee if they are otherwise unavailable and
7 the parolee or releasee is unable to pay for them. It may
8 assess all or part of the costs of such services to a
9 parolee or releasee ~~in accordance with his ability to pay~~
10 ~~for them.~~

11 (Source: P.A. 102-478, eff. 8-20-21.)

12 Section 997. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.

14 Section 999. Effective date. This Act takes effect upon
15 becoming law.