

1 AN ACT regarding school students.

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

4 Section 5. The School Code is amended by adding Section  
5 27-23.7 as follows:

6 (105 ILCS 5/27-23.7 new)

7 Sec. 27-23.7. Prison life video. In all school  
8 districts, including special charter districts and school  
9 districts organized under Article 34, the school district  
10 shall show at least once each school year in each attendance  
11 center of the district the educational video on the realities  
12 of prison life that the Department of Corrections is required  
13 to produce and make available to school districts as provided  
14 in subsection (5) of Section 3-2-2 of the Unified Code of  
15 Corrections.

16 Section 10. The Unified Code of Corrections is amended  
17 by changing Section 3-2-2 as follows:

18 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

19 Sec. 3-2-2. Powers and Duties of the Department.

20 (1) In addition to the powers, duties and  
21 responsibilities which are otherwise provided by law, the  
22 Department shall have the following powers:

23 (a) To accept persons committed to it by the courts  
24 of this State for care, custody, treatment and  
25 rehabilitation.

26 (b) To develop and maintain reception and  
27 evaluation units for purposes of analyzing the custody  
28 and rehabilitation needs of persons committed to it and  
29 to assign such persons to institutions and programs under

1 its control or transfer them to other appropriate  
2 agencies. In consultation with the Department of  
3 Alcoholism and Substance Abuse (now the Department of  
4 Human Services), the Department of Corrections shall  
5 develop a master plan for the screening and evaluation of  
6 persons committed to its custody who have alcohol or drug  
7 abuse problems, and for making appropriate treatment  
8 available to such persons; the Department shall report to  
9 the General Assembly on such plan not later than April 1,  
10 1987. The maintenance and implementation of such plan  
11 shall be contingent upon the availability of funds.

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

26 (b-5) To develop, in consultation with the  
27 Department of State Police, a program for tracking and  
28 evaluating each inmate from commitment through release  
29 for recording his or her gang affiliations, activities,  
30 or ranks.

31 (c) To maintain and administer all State  
32 correctional institutions and facilities under its  
33 control and to establish new ones as needed. Pursuant to  
34 its power to establish new institutions and facilities,

1 the Department may, with the written approval of the  
2 Governor, authorize the Department of Central Management  
3 Services to enter into an agreement of the type described  
4 in subsection (d) of Section 405-300 of the Department of  
5 Central Management Services Law (20 ILCS 405/405-300).  
6 The Department shall designate those institutions which  
7 shall constitute the State Penitentiary System.

8 Pursuant to its power to establish new institutions  
9 and facilities, the Department may authorize the  
10 Department of Central Management Services to accept bids  
11 from counties and municipalities for the construction,  
12 remodeling or conversion of a structure to be leased to  
13 the Department of Corrections for the purposes of its  
14 serving as a correctional institution or facility. Such  
15 construction, remodeling or conversion may be financed  
16 with revenue bonds issued pursuant to the Industrial  
17 Building Revenue Bond Act by the municipality or county.  
18 The lease specified in a bid shall be for a term of not  
19 less than the time needed to retire any revenue bonds  
20 used to finance the project, but not to exceed 40 years.  
21 The lease may grant to the State the option to purchase  
22 the structure outright.

23 Upon receipt of the bids, the Department may certify  
24 one or more of the bids and shall submit any such bids to  
25 the General Assembly for approval. Upon approval of a bid  
26 by a constitutional majority of both houses of the  
27 General Assembly, pursuant to joint resolution, the  
28 Department of Central Management Services may enter into  
29 an agreement with the county or municipality pursuant to  
30 such bid.

31 (c-5) To build and maintain regional juvenile  
32 detention centers and to charge a per diem to the  
33 counties as established by the Department to defray the  
34 costs of housing each minor in a center. In this

1 subsection (c-5), "juvenile detention center" means a  
2 facility to house minors during pendency of trial who  
3 have been transferred from proceedings under the Juvenile  
4 Court Act of 1987 to prosecutions under the criminal laws  
5 of this State in accordance with Section 5-805 of the  
6 Juvenile Court Act of 1987, whether the transfer was by  
7 operation of law or permissive under that Section. The  
8 Department shall designate the counties to be served by  
9 each regional juvenile detention center.

10 (d) To develop and maintain programs of control,  
11 rehabilitation and employment of committed persons within  
12 its institutions.

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

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

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

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

15 (h) To investigate the grievances of any person  
16 committed to the Department, to inquire into any alleged  
17 misconduct by employees or committed persons, and to  
18 investigate the assets of committed persons to implement  
19 Section 3-7-6 of this Code; and for these purposes it may  
20 issue subpoenas and compel the attendance of witnesses  
21 and the production of writings and papers, and may  
22 examine under oath any witnesses who may appear before  
23 it; to also investigate alleged violations of a parolee's  
24 or releasee's conditions of parole or release; and for  
25 this purpose it may issue subpoenas and compel the  
26 attendance of witnesses and the production of documents  
27 only if there is reason to believe that such procedures  
28 would provide evidence that such violations have  
29 occurred.

30 If any person fails to obey a subpoena issued under  
31 this subsection, the Director may apply to any circuit  
32 court to secure compliance with the subpoena. The  
33 failure to comply with the order of the court issued in  
34 response thereto shall be punishable as contempt of

1 court.

2 (i) To appoint and remove the chief administrative  
3 officers, and administer programs of training and  
4 development of personnel of the Department. Personnel  
5 assigned by the Department to be responsible for the  
6 custody and control of committed persons or to  
7 investigate the alleged misconduct of committed persons  
8 or employees or alleged violations of a parolee's or  
9 releasee's conditions of parole shall be conservators of  
10 the peace for those purposes, and shall have the full  
11 power of peace officers outside of the facilities of the  
12 Department in the protection, arrest, retaking and  
13 reconfining of committed persons or where the exercise of  
14 such power is necessary to the investigation of such  
15 misconduct or violations.

16 (j) To cooperate with other departments and  
17 agencies and with local communities for the development  
18 of standards and programs for better correctional  
19 services in this State.

20 (k) To administer all moneys and properties of the  
21 Department.

22 (l) To report annually to the Governor on the  
23 committed persons, institutions and programs of the  
24 Department.

25 (l-5) In a confidential annual report to the  
26 Governor, the Department shall identify all inmate gangs  
27 by specifying each current gang's name, population and  
28 allied gangs. The Department shall further specify the  
29 number of top leaders identified by the Department for  
30 each gang during the past year, and the measures taken by  
31 the Department to segregate each leader from his or her  
32 gang and allied gangs. The Department shall further  
33 report the current status of leaders identified and  
34 segregated in previous years. All leaders described in

1 the report shall be identified by inmate number or other  
2 designation to enable tracking, auditing, and  
3 verification without revealing the names of the leaders.  
4 Because this report contains law enforcement intelligence  
5 information collected by the Department, the report is  
6 confidential and not subject to public disclosure.

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

9 (n) To establish rules and regulations for  
10 administering a system of good conduct credits,  
11 established in accordance with Section 3-6-3, subject to  
12 review by the Prisoner Review Board.

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

18 (p) To exchange information with the Department of  
19 Human Services and the Illinois Department of Public Aid  
20 for the purpose of verifying living arrangements and for  
21 other purposes directly connected with the administration  
22 of this Code and the Illinois Public Aid Code.

23 (q) To establish a diversion program.

24 The program shall provide a structured environment  
25 for selected technical parole or mandatory supervised  
26 release violators and committed persons who have violated  
27 the rules governing their conduct while in work release.  
28 This program shall not apply to those persons who have  
29 committed a new offense while serving on parole or  
30 mandatory supervised release or while committed to work  
31 release.

32 Elements of the program shall include, but shall not  
33 be limited to, the following:

34 (1) The staff of a diversion facility shall

1 provide supervision in accordance with required  
2 objectives set by the facility.

3 (2) Participants shall be required to maintain  
4 employment.

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

8 (4) Each participant shall:

9 (A) provide restitution to victims in  
10 accordance with any court order;

11 (B) provide financial support to his  
12 dependents; and

13 (C) make appropriate payments toward any  
14 other court-ordered obligations.

15 (5) Each participant shall complete community  
16 service in addition to employment.

17 (6) Participants shall take part in such  
18 counseling, educational and other programs as the  
19 Department may deem appropriate.

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

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

24 (r) To enter into intergovernmental cooperation  
25 agreements under which persons in the custody of the  
26 Department may participate in a county impact  
27 incarceration program established under Section 3-6038 or  
28 3-15003.5 of the Counties Code.

29 (r-5) To enter into intergovernmental cooperation  
30 agreements under which minors adjudicated delinquent and  
31 committed to the Department of Corrections, Juvenile  
32 Division, may participate in a county juvenile impact  
33 incarceration program established under Section 3-6039 of  
34 the Counties Code.



1           (r-10) To systematically and routinely identify  
2 with respect to each streetgang active within the  
3 correctional system: (1) each active gang; (2) every  
4 existing inter-gang affiliation or alliance; and (3) the  
5 current leaders in each gang. The Department shall  
6 promptly segregate leaders from inmates who belong to  
7 their gangs and allied gangs. "Segregate" means no  
8 physical contact and, to the extent possible under the  
9 conditions and space available at the correctional  
10 facility, prohibition of visual and sound communication.  
11 For the purposes of this paragraph (r-10), "leaders"  
12 means persons who:

13                   (i) are members of a criminal streetgang;

14                   (ii) with respect to other individuals within  
15 the streetgang, occupy a position of organizer,  
16 supervisor, or other position of management or  
17 leadership; and

18                   (iii) are actively and personally engaged in  
19 directing, ordering, authorizing, or requesting  
20 commission of criminal acts by others, which are  
21 punishable as a felony, in furtherance of streetgang  
22 related activity both within and outside of the  
23 Department of Corrections.

24 "Streetgang", "gang", and "streetgang related" have the  
25 meanings ascribed to them in Section 10 of the Illinois  
26 Streetgang Terrorism Omnibus Prevention Act.

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

31           (t) To monitor any unprivileged conversation or any  
32 unprivileged communication, whether in person or by  
33 mail, telephone, or other means, between an inmate who,  
34 before commitment to the Department, was a member of an

1 organized gang and any other person without the need to  
2 show cause or satisfy any other requirement of law before  
3 beginning the monitoring, except as constitutionally  
4 required. The monitoring may be by video, voice, or other  
5 method of recording or by any other means. As used in  
6 this subdivision (1)(t), "organized gang" has the meaning  
7 ascribed to it in Section 10 of the Illinois Streetgang  
8 Terrorism Omnibus Prevention Act.

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

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

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

21 (2) The Department of Corrections shall by January 1,  
22 1998, consider building and operating a correctional facility  
23 within 100 miles of a county of over 2,000,000 inhabitants,  
24 especially a facility designed to house juvenile participants  
25 in the impact incarceration program.

26 (3) When the Department lets bids for contracts for  
27 medical services to be provided to persons committed to  
28 Department facilities by a health maintenance organization,  
29 medical service corporation, or other health care provider,  
30 the bid may only be let to a health care provider that has  
31 obtained an irrevocable letter of credit or performance bond  
32 issued by a company whose bonds are rated AAA by a bond  
33 rating organization.

34 (4) When the Department lets bids for contracts for food

1 or commissary services to be provided to Department  
2 facilities, the bid may only be let to a food or commissary  
3 services provider that has obtained an irrevocable letter of  
4 credit or performance bond issued by a company whose bonds  
5 are rated AAA by a bond rating organization.

6 (5) The Department of Corrections shall produce an  
7 educational video on the realities of prison life. This  
8 video shall be filmed by the Department of Corrections, shall  
9 have a running time of approximately 30 minutes, and shall be  
10 updated and refilmed by the Department every 4 years. The  
11 Department of Corrections shall make the video available  
12 annually, without charge, to school districts and educational  
13 administrators throughout the State as a tool to discourage  
14 students from criminal behavior.

15 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;  
16 92-444, eff. 1-1-02; 92-712, eff. 1-1-03.)

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