

HB5674



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5674

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-5

from Ch. 38, par. 1003-2-5

Amends the Unified Code of Corrections. Makes a technical change in a Section concerning the organization of the Department of Corrections.

LRB095 17943 RLC 44025 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-2-5 as follows:

6 (730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

7 Sec. 3-2-5. Organization of the Department of Corrections
8 and the Department of Juvenile Justice.

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

16 (b) There shall be a Department of Juvenile Justice which
17 shall be administered by a Director appointed by the Governor
18 under the Civil Administrative Code of Illinois. The Department
19 of Juvenile Justice shall be responsible for all persons under
20 17 years of age when sentenced to imprisonment and committed to
21 the Department under subsection (c) of Section 5-8-6 of this
22 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750
23 of the Juvenile Court Act of 1987. Persons under 17 years of

1 age committed to the Department of Juvenile Justice pursuant to
2 this Code shall be sight and sound separate from adult
3 offenders committed to the Department of Corrections.

4 (c) The Department shall create a gang intelligence unit
5 under the supervision of the Director. The unit shall be
6 specifically designed to gather information regarding the
7 inmate gang population, monitor the activities of gangs, and
8 prevent the furtherance of gang activities through the
9 development and implementation of policies aimed at deterring
10 gang activity. The Director shall appoint a Corrections
11 Intelligence Coordinator.

12 All information collected and maintained by the unit shall
13 be highly confidential, and access to that information shall be
14 restricted by the Department. The information shall be used to
15 control and limit the activities of gangs within correctional
16 institutions under the jurisdiction of the Illinois Department
17 of Corrections and may be shared with other law enforcement
18 agencies in order to curb gang activities outside of
19 correctional institutions under the jurisdiction of the
20 Department and to assist in the investigations and prosecutions
21 of gang activity. The Department shall establish and promulgate
22 rules governing the release of information to outside law
23 enforcement agencies. Due to the highly sensitive nature of the
24 information, the information is exempt from requests for
25 disclosure under the Freedom of Information Act as the
26 information contained is highly confidential and may be harmful

1 if disclosed.

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

8 (Source: P.A. 94-696, eff. 6-1-06.)