

1 AMENDMENT TO SENATE BILL 1517

2 AMENDMENT NO. _____. Amend Senate Bill 1517 as follows:
3 by replacing the title with the following:

4 "AN ACT concerning the Department of Corrections."; and

5 by replacing everything after the enacting clause with the
6 following:

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

9 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

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

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

14 (a) To accept persons committed to it by the courts
15 of this State for care, custody, treatment and
16 rehabilitation.

17 (b) To develop and maintain reception and
18 evaluation units for purposes of analyzing the custody
19 and rehabilitation needs of persons committed to it and
20 to assign such persons to institutions and programs under
21 its control or transfer them to other appropriate

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

11 (b-1) To create and implement, on January 1, 2002,
12 a pilot program to establish the effectiveness of
13 pupillometer technology (the measurement of the pupil's
14 reaction to light) as an alternative to a urine test for
15 purposes of screening and evaluating persons committed to
16 its custody who have alcohol or drug problems. The
17 program shall require pupillometer technology to be used
18 in at least 50% of all screening and evaluation tests
19 performed. The Department must report to the General
20 Assembly on the effectiveness of the program on January
21 1, 2003.

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

27 (c) To maintain and administer all State
28 correctional institutions and facilities under its
29 control and to establish new ones as needed. Pursuant to
30 its power to establish new institutions and facilities,
31 the Department may, with the written approval of the
32 Governor, authorize the Department of Central Management
33 Services to enter into an agreement of the type described
34 in subsection (d) of Section 405-300 of the Department of

1 Central Management Services Law (20 ILCS 405/405-300).
2 The Department shall designate those institutions which
3 shall constitute the State Penitentiary System.

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

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

27 (c-5) To build and maintain regional juvenile
28 detention centers and to charge a per diem to the
29 counties as established by the Department to defray the
30 costs of housing each minor in a center. In this
31 subsection (c-5), "juvenile detention center" means a
32 facility to house minors during pendency of trial who
33 have been transferred from proceedings under the Juvenile
34 Court Act of 1987 to prosecutions under the criminal laws

1 of this State in accordance with Section 5-805 of the
2 Juvenile Court Act of 1987, whether the transfer was by
3 operation of law or permissive under that Section. The
4 Department shall designate the counties to be served by
5 each regional juvenile detention center.

6 (d) To develop and maintain programs of control,
7 rehabilitation and employment of committed persons within
8 its institutions.

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

11 (f) To establish in cooperation with the Department
12 of Transportation to supply a sufficient number of
13 prisoners for use by the Department of Transportation to
14 clean up the trash and garbage along State, county,
15 township, or municipal highways as designated by the
16 Department of Transportation. The Department of
17 Corrections, at the request of the Department of
18 Transportation, shall furnish such prisoners at least
19 annually for a period to be agreed upon between the
20 Director of Corrections and the Director of
21 Transportation. The prisoners used on this program shall
22 be selected by the Director of Corrections on whatever
23 basis he deems proper in consideration of their term,
24 behavior and earned eligibility to participate in such
25 program - where they will be outside of the prison
26 facility but still in the custody of the Department of
27 Corrections. Prisoners convicted of first degree murder,
28 or a Class X felony, or armed violence, or aggravated
29 kidnapping, or criminal sexual assault, aggravated
30 criminal sexual abuse or a subsequent conviction for
31 criminal sexual abuse, or forcible detention, or arson,
32 or a prisoner adjudged a Habitual Criminal shall not be
33 eligible for selection to participate in such program.
34 The prisoners shall remain as prisoners in the custody of

1 the Department of Corrections and such Department shall
2 furnish whatever security is necessary. The Department of
3 Transportation shall furnish trucks and equipment for the
4 highway cleanup program and personnel to supervise and
5 direct the program. Neither the Department of Corrections
6 nor the Department of Transportation shall replace any
7 regular employee with a prisoner.

8 (g) To maintain records of persons committed to it
9 and to establish programs of research, statistics and
10 planning.

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

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

32 (i) To appoint and remove the chief administrative
33 officers, and administer programs of training and
34 development of personnel of the Department. Personnel

1 assigned by the Department to be responsible for the
2 custody and control of committed persons or to
3 investigate the alleged misconduct of committed persons
4 or employees or alleged violations of a parolee's or
5 releasee's conditions of parole shall be conservators of
6 the peace for those purposes, and shall have the full
7 power of peace officers outside of the facilities of the
8 Department in the protection, arrest, retaking and
9 reconfining of committed persons or where the exercise of
10 such power is necessary to the investigation of such
11 misconduct or violations.

12 (j) To cooperate with other departments and
13 agencies and with local communities for the development
14 of standards and programs for better correctional
15 services in this State.

16 (k) To administer all moneys and properties of the
17 Department.

18 (l) To report annually to the Governor on the
19 committed persons, institutions and programs of the
20 Department.

21 (l-5) In a confidential annual report to the
22 Governor, the Department shall identify all inmate gangs
23 by specifying each current gang's name, population and
24 allied gangs. The Department shall further specify the
25 number of top leaders identified by the Department for
26 each gang during the past year, and the measures taken by
27 the Department to segregate each leader from his or her
28 gang and allied gangs. The Department shall further
29 report the current status of leaders identified and
30 segregated in previous years. All leaders described in
31 the report shall be identified by inmate number or other
32 designation to enable tracking, auditing, and
33 verification without revealing the names of the leaders.
34 Because this report contains law enforcement intelligence

1 information collected by the Department, the report is
2 confidential and not subject to public disclosure.

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

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

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

14 (p) To exchange information with the Department of
15 Human Services and the Illinois Department of Public Aid
16 for the purpose of verifying living arrangements and for
17 other purposes directly connected with the administration
18 of this Code and the Illinois Public Aid Code.

19 (q) To establish a diversion program.

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

28 Elements of the program shall include, but shall not
29 be limited to, the following:

30 (1) The staff of a diversion facility shall
31 provide supervision in accordance with required
32 objectives set by the facility.

33 (2) Participants shall be required to maintain
34 employment.

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

4 (4) Each participant shall:

5 (A) provide restitution to victims in
6 accordance with any court order;

7 (B) provide financial support to his
8 dependents; and

9 (C) make appropriate payments toward any
10 other court-ordered obligations.

11 (5) Each participant shall complete community
12 service in addition to employment.

13 (6) Participants shall take part in such
14 counseling, educational and other programs as the
15 Department may deem appropriate.

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

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

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

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

31 (r-10) To systematically and routinely identify
32 with respect to each streetgang active within the
33 correctional system: (1) each active gang; (2) every
34 existing inter-gang affiliation or alliance; and (3) the

1 current leaders in each gang. The Department shall
2 promptly segregate leaders from inmates who belong to
3 their gangs and allied gangs. "Segregate" means no
4 physical contact and, to the extent possible under the
5 conditions and space available at the correctional
6 facility, prohibition of visual and sound communication.
7 For the purposes of this paragraph (r-10), "leaders"
8 means persons who:

9 (i) are members of a criminal streetgang;

10 (ii) with respect to other individuals within
11 the streetgang, occupy a position of organizer,
12 supervisor, or other position of management or
13 leadership; and

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

20 "Streetgang", "gang", and "streetgang related" have the
21 meanings ascribed to them in Section 10 of the Illinois
22 Streetgang Terrorism Omnibus Prevention Act.

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

27 (t) To monitor any unprivileged conversation or any
28 unprivileged communication, whether in person or by
29 mail, telephone, or other means, between an inmate who,
30 before commitment to the Department, was a member of an
31 organized gang and any other person without the need to
32 show cause or satisfy any other requirement of law before
33 beginning the monitoring, except as constitutionally
34 required. The monitoring may be by video, voice, or other

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

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

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

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

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

22 (Source: P.A. 90-14, eff. 7-1-97; 90-590, eff. 1-1-99;
23 90-658, eff. 1-1-99; 91-239, eff. 1-1-00; 91-357, eff.
24 7-29-99.)".