

1 AN ACT in relation to 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
5 by changing Section 3-7-6 as follows:

6 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)

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

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

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

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

27 (a-5) Assets information form.

28 (1) The Department shall develop a form, which
29 shall be used by the Department to obtain information
30 from all committed persons regarding assets of the
31 persons.

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

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

24 (4) Every committed person shall complete the form
 25 or provide for completion of the form and the committed
 26 person shall swear under oath or affirm that to the best
 27 of his or her knowledge the information provided is
 28 complete and accurate.

29 (b) Expenses. The rate at which sums to be charged for
 30 the expenses incurred by a committed convicted person
 31 ~~committed---to---Department---correctional---institutions--or~~
 32 ~~facilities~~ for his or her confinement ~~incarceration~~ shall be
 33 computed by the Department as the average per capita cost per
 34 day for all inmates of that institution or facility for that

1 fiscal year. The average per capita cost per day shall be
2 computed by the Department based on the average per capita
3 cost per day for the operation of that institution or
4 facility for the fiscal year immediately preceding the period
5 of incarceration for which the rate is being calculated. The
6 Department shall establish rules and regulations providing
7 for the computation of the above costs, and shall determine
8 the average per capita cost per day for each of its
9 institutions or facilities for each fiscal year. The
10 Department shall have the power to modify its rules and
11 regulations, so as to provide for the most accurate and most
12 current average per capita cost per day computation. Where
13 the committed convicted person is placed in a facility
14 outside the Department, the Department may pay the actual
15 cost of services in that facility, and may collect
16 reimbursement for the entire amount paid from the committed
17 convicted person receiving those services.

18 (c) Records. The records of the Department, including,
19 but not limited to, those relating to: the average per capita
20 cost per day for a particular institution or facility for a
21 particular year, and the calculation of the average per
22 capita cost per day; the average daily population of a
23 particular Department correctional institution or facility
24 for a particular year; the specific placement of a particular
25 committed convicted person in various Department correctional
26 institutions or facilities for various periods of time; and
27 the record of transactions of a particular committed
28 convicted person's trust account under Section 3-4-3 of this
29 Act; may be proved in any legal proceeding, by a reproduced
30 copy thereof or by a computer printout of Department records,
31 under the certificate of the Director. If reproduced copies
32 are used, the Director must certify that those are true and
33 exact copies of the records on file with the Department. If
34 computer printouts of records of the Department are offered

1 as proof, the Director must certify that those computer
2 printouts are true and exact representations of records
3 properly entered into standard electronic computing
4 equipment, in the regular course of the Department's
5 business, at or reasonably near the time of the occurrence of
6 the facts recorded, from trustworthy and reliable
7 information. The reproduced copy or computer printout shall,
8 without further proof, be admitted into evidence in any legal
9 proceeding, and shall be prima facie correct and prima facie
10 evidence of the accuracy of the information contained
11 therein.

12 (d) Authority. The Director, or the Director's
13 designee, may, when he or she knows or reasonably believes
14 that a committed ~~convicted~~ person ~~committed-to-the-Department~~
15 ~~correctional-institutions-or-facilities~~, or the estate of
16 that person, has assets which may be used to satisfy all or
17 part of a judgment rendered under this Act, or when he or she
18 knows or reasonably believes that a committed ~~convicted~~
19 person ~~committed-to-the-Department-correctional-institutions~~
20 ~~or-facilities~~ is engaged in gang-related activity and has a
21 substantial sum of money or other assets, provide for the
22 forwarding to the Attorney General of a report on the
23 committed person and that report shall contain a completed
24 form under subsection (a-5) together with all other
25 information available concerning the assets of the committed
26 person and an estimate of the total expenses for that
27 committed person, and authorize the Attorney General to
28 institute proceedings to require the persons, or the estates
29 of the persons, to reimburse the Department for the expenses
30 incurred by their incarceration. The Attorney General, upon
31 authorization of the Director, or the Director's designee,
32 shall institute actions on behalf of the Department and
33 pursue claims on the Department's behalf in probate and
34 bankruptcy proceedings, to recover from committed ~~convicted~~

1 persons committed--to-Department-correctional-facilities the
 2 expenses incurred by their confinement. For purposes of this
 3 subsection (d), "gang-related" activity has the meaning
 4 ascribed to it in Section 10 of the Illinois Streetgang
 5 Terrorism Omnibus Prevention Act.

6 (e) Scope and limitations.

7 (1) No action under this Section shall be initiated
 8 more than 2 years after the release or death of the
 9 committed convicted person in question.

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

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

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

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

11 (Source: P.A. 89-428, eff. 12-13-95; 89-688, eff. 6-1-97;
12 90-85, eff. 7-10-97.)