

AN ACT concerning corrections.

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

Section 5. If and only if the provisions of House Bill 1994 of the 96th General Assembly that are changed by this amendatory Act of the 96th General Assembly become law, the Illinois Procurement Code is amended by changing Section 45-30 as follows:

(30 ILCS 500/45-30)

Sec. 45-30. Illinois Correctional industries. Notwithstanding anything to the contrary in other law, the chief procurement officer of the Department of Central Management Services shall, in consultation with Illinois Correctional Industries, a division of the Illinois Department of Corrections (referred to as the "Illinois Correctional Industries" or "ICI") determine for all State agencies which articles, materials, industry related services, food stuffs, and finished goods that are produced or manufactured by persons confined in institutions and facilities of the Department of Corrections who are participating ~~inmate workers employed~~ in Illinois Correctional Industries programs shall be purchased from Illinois Correctional Industries. The chief procurement officer of Central Management Services shall develop and

distribute to the various purchasing and using agencies a listing of all Illinois Correctional Industries products and procedures for implementing this Section.

(Source: P.A. 90-572, eff. date - See Sec. 99-5; 96HB1994 enrolled.)

Section 10. If and only if the provisions of House Bill 1994 of the 96th General Assembly that are changed by this amendatory Act of the 96th General Assembly become law, the Unified Code of Corrections is amended by changing Sections 3-12-2, 3-12-3a, 3-12-6, and 3-12-7 as follows:

(730 ILCS 5/3-12-2) (from Ch. 38, par. 1003-12-2)

Sec. 3-12-2. Types of employment.

(a) The Department shall provide inmate workers for Illinois Correctional Industries to work in programs established to train and employ committed persons in the production of food stuffs ~~products~~ and finished goods and any articles, materials or supplies for resale to State agencies and authorized purchasers. It may also employ committed persons on public works, buildings and property, the conservation of natural resources of the State, anti-pollution or environmental control projects, or for other public purposes, for the maintenance of the Department's buildings and properties and for the production of food or other necessities for its programs. The Department may establish, maintain and

employ committed persons in the production of vehicle registration plates. A committed person's labor shall not be sold, contracted or hired out by the Department except under this Article ~~and under Section 3-9-2.~~

(b) Works of art, literature, handicraft or other items produced by committed persons as an avocation and not as a product of a work program of the Department may be sold to the public under rules and regulations established by the Department. The cost of selling such products may be deducted from the proceeds, and the balance shall be credited to the person's account under Section 3-4-3. The Department shall notify the Attorney General of the existence of any proceeds which it believes should be applied towards a satisfaction, in whole or in part, of the person's incarceration costs.

(Source: P.A. 94-1017, eff. 7-7-06; 96HB1994 enrolled.)

(730 ILCS 5/3-12-3a) (from Ch. 38, par. 1003-12-3a)

Sec. 3-12-3a. (a) Contracts, leases, and business agreements. The Department shall promulgate such rules and policies as it deems necessary to establish, manage, and operate its Illinois Correctional Industries division ~~enter into a contract or other type of business agreement with Illinois Correctional Industries~~ for the purpose of utilizing committed persons in the manufacture of food stuffs ~~products,~~ finished goods or wares. To the extent not inconsistent with the function and role of the ICI, the Department may enter into

a contract, lease, or other type of business agreement, not to exceed 20 years, with any private corporation, partnership, person, or other business entity for the purpose of utilizing committed persons in the provision of services or for any other business or commercial enterprise deemed by the Department to be consistent with proper training and rehabilitation of committed persons ~~of Illinois Correctional Industries.~~

Illinois Correctional Industries' spending authority shall be separate and apart from the Department's budget and appropriations. Control of Illinois Correctional Industries accounting processes and budget requests to the General Assembly, other budgetary processes, audits by the Office of the Auditor General, and computer processes shall be returned to Illinois Correctional Industries.

(b) The Department shall be permitted to construct buildings on State property for the purposes identified in subsection (a) and to lease for a period not to exceed 20 years any building or portion thereof on State property for the purposes identified in subsection (a).

(c) Any contract or other business agreement referenced in subsection (a) shall include a provision requiring that all committed persons assigned receive in connection with their assignment such vocational training and/or apprenticeship programs as the Department deems appropriate.

(d) Committed persons assigned in accordance with this Section shall be compensated in accordance with the provisions

of Section 3-12-5.

(Source: P.A. 86-450; 96HB1994 enrolled.)

(730 ILCS 5/3-12-6) (from Ch. 38, par. 1003-12-6)

Sec. 3-12-6. Programs. Through its Illinois Correctional Industries division, the Department shall establish commercial, business, and manufacturing programs ~~on behalf of the State of Illinois~~ for the sale of finished goods and processed food and beverages to the State, its political units, ~~its~~ agencies, and other public institutions. Illinois Correctional Industries shall establish, operate, and maintain manufacturing and food and beverage production in the Department ~~of Corrections~~ facilities and provide food for the Department ~~of Corrections~~ institutions and for the mental health and developmental disabilities institutions of the Department of Human Services and the institutions of the Department of Veterans' Affairs ~~for consumption in those agencies' institutions.~~

Illinois Correctional Industries shall be administered by a chief executive officer. The chief executive officer shall report to the Director of the Department. ~~The Director may not delegate direction of Illinois Correctional Industries management and fiscal processes formally or indirectly to any other division, component, or contractor of the Department. The chief executive officer shall be responsible for all persons assigned to the institution or facility that are employed in~~

~~Industries programs.~~ The chief executive officer shall administer the commercial and business programs of ICI for inmate workers in the custody of the Department of Corrections.

The chief executive officer shall have such assistants as are required for sales staff, manufacturing, budget, fiscal, accounting, computer, human services, and personnel as necessary to run its commercial and business programs.

Illinois Correctional Industries shall have a financial officer who shall report to the chief executive officer. The financial officer shall: (i) assist in the development and presentation of the Department budget submission; (ii) manage and control the spending authority of ICI; and (iii) provide oversight of the financial activities of ICI, both internally and through coordination with the Department fiscal operations personnel, including accounting processes, budget submissions, other budgetary processes, audits by the Office of the Auditor General, and computer processes.

Illinois Correctional Industries shall be located in Springfield. The chief executive officer of Illinois Correctional Industries shall assign personnel to direct the production of goods and shall employ committed persons assigned by the chief administrative officer. The Department of Corrections may direct such other vocational programs as it ~~that the Department~~ deems necessary for the rehabilitation of inmates, which shall be separate and apart from, and not ~~Such~~ ~~programs shall not compete, interfere, or be in conflict with,~~

~~the missions and~~ programs of Illinois Correctional Industries.

(Source: P.A. 80-728; 96HB1994 enrolled.)

(730 ILCS 5/3-12-7) (from Ch. 38, par. 1003-12-7)

Sec. 3-12-7. Purchasers; Allocation.

(a) The State, its political units, ~~its~~ agencies and other public institutions shall purchase from Illinois Correctional Industries all manufactured goods, articles, materials, industry related services, food stuffs, and supplies required by them which are produced or manufactured by persons confined in institutions and facilities of the Department ~~that are employed in Illinois Correctional Industries programs~~. The Secretary of State may purchase from the Department vehicle registration plates produced by persons confined in institutions and facilities of the Department. The Secretary shall determine reasonable specifications and prices of such vehicle registration plates as agreed upon with the Department. Not-for-profit corporations chartered in Illinois or other States may purchase such goods and services. Units of the Federal government and units of government in other States may also purchase such goods and services. All entities which contract with the State, its political units, its agencies, its public institutions or not-for-profit corporations chartered in Illinois may purchase goods or services from the Department which are used in the performance of such contracts. Nothing shall prohibit the Department from bidding on portions of a

State contract which are subcontracted by the primary contractor. The public may purchase crushed limestone and lime dust for agricultural and horticultural purposes and hardwood. Illinois Correctional Industries may also sell grain from its agricultural operations on the open market. All other articles, materials, industry related services, food stuffs and supplies which are produced or manufactured by persons confined in institutions and facilities of the Department shall be available for sale on the open market.

(b) Allocation of goods shall be made in the following manner:

(1) first, for needs of the Department of Corrections and the Department of Human Services;

(2) second, for the State, its agencies and public institutions;

(3) third, for those political subdivisions of the State and their agencies in which the producing institution or facility of the Department is located;

(4) fourth, for other political subdivisions of the State and their agencies and public institutions;

(5) fifth, for sale on the open market;

(6) sixth, for not for profit corporations chartered in Illinois;

(7) seventh, for units of government in other states;

(8) eighth, for units of the Federal government;

(9) ninth, for not-for-profit organizations chartered in

other states;

(10) tenth, all other permitted purchasers.

(c) Exemption from required purchases shall be on certification of Illinois Correctional Industries that the items to be purchased are not manufactured by Illinois Correctional Industries.

(Source: P.A. 86-450; 96HB1994 enrolled.)

Section 99. Effective date. This Act takes effect July 1, 2010.