

1 AN ACT concerning corrections.

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

4 Section 5. The Private Correctional Facility Moratorium  
5 Act is amended by changing Sections 1, 2, and 3 as follows:

6 (730 ILCS 140/1) (from Ch. 38, par. 1581)

7 Sec. 1. Short title. This Act shall be known and may be  
8 cited as the Private Correctional and Detention Facility  
9 Moratorium Act.

10 (Source: P.A. 86-1412.)

11 (730 ILCS 140/2) (from Ch. 38, par. 1582)

12 Sec. 2. Legislative findings. The General Assembly hereby  
13 finds and declares that the management and operation of a  
14 correctional or detention facility ~~or institution~~ involves  
15 functions that are inherently governmental. The imposition of  
16 punishment on errant citizens through incarceration or other  
17 uses of detention requires the ~~State, any unit of local~~  
18 ~~government or a county sheriff, to~~ exercise of its coercive  
19 police powers over individuals and is thus distinguishable from  
20 privatization in other areas of government. It is further found  
21 that issues of liability, accountability and cost warrant a  
22 prohibition of the ownership, operation or management of

1 correctional and detention facilities by for-profit private  
2 contractors.

3 (Source: P.A. 97-380, eff. 1-1-12.)

4 (730 ILCS 140/3) (from Ch. 38, par. 1583)

5 Sec. 3. Certain contracts prohibited. ~~The~~ ~~After the~~  
6 ~~effective date of this Act, the~~ State, any unit of local  
7 government, any ~~or a~~ county sheriff, or any agency, officer,  
8 employee, or agent thereof shall not contract with a private  
9 contractor or private vendor for the provision of services  
10 relating to the operation of a correctional or detention  
11 facility or the incarceration of persons in the custody of the  
12 Department of Corrections, the Department of Juvenile Justice,  
13 ~~or~~ a sheriff, or any other governmental agency at any level of  
14 government, including the government of the United States, and  
15 shall not make any payment to that private contractor or  
16 private vendor based on that contract; however, this Act does  
17 not apply to (1) State work release centers or juvenile  
18 residential facilities that provide separate care or special  
19 treatment operated in whole or part by private contractors or  
20 (2) contracts for ancillary services, including medical  
21 services, educational services, repair and maintenance  
22 contracts, or other services not directly related to the  
23 ownership, management or operation of security services in a  
24 correctional or detention facility.

25 (Source: P.A. 97-380, eff. 1-1-12.)

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.