



Rep. Michael J. Madigan

Filed: 5/22/2012

09700SB1338ham003

LRB097 07075 JWD 69948 a

1 AMENDMENT TO SENATE BILL 1338

2 AMENDMENT NO. _____. Amend Senate Bill 1338 by replacing
3 everything after the enacting clause with the following:

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

1 shall be administered by a Director appointed by the Governor
2 under the Civil Administrative Code of Illinois. The Department
3 of Juvenile Justice shall be responsible for all persons under
4 17 years of age when sentenced to imprisonment and committed to
5 the Department under subsection (c) of Section 5-8-6 of this
6 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750
7 of the Juvenile Court Act of 1987. Persons under 17 years of
8 age committed to the Department of Juvenile Justice pursuant to
9 this Code shall be sight and sound separate from adult
10 offenders committed to the Department of Corrections.

11 (c) The Department shall create a gang intelligence unit
12 under the supervision of the Director. The unit shall be
13 specifically designed to gather information regarding the
14 inmate gang population, monitor the activities of gangs, and
15 prevent the furtherance of gang activities through the
16 development and implementation of policies aimed at deterring
17 gang activity. The Director shall appoint a Corrections
18 Intelligence Coordinator.

19 All information collected and maintained by the unit shall
20 be highly confidential, and access to that information shall be
21 restricted by the Department. The information shall be used to
22 control and limit the activities of gangs within correctional
23 institutions under the jurisdiction of the Illinois Department
24 of Corrections and may be shared with other law enforcement
25 agencies in order to curb gang activities outside of
26 correctional institutions under the jurisdiction of the

1 Department and to assist in the investigations and prosecutions
2 of gang activity. The Department shall establish and promulgate
3 rules governing the release of information to outside law
4 enforcement agencies. Due to the highly sensitive nature of the
5 information, the information is exempt from requests for
6 disclosure under the Freedom of Information Act as the
7 information contained is highly confidential and may be harmful
8 if disclosed.

9 The Department shall file an annual report with the General
10 Assembly on the profile of the inmate population associated
11 with gangs, gang-related activity within correctional
12 institutions under the jurisdiction of the Department, and an
13 overall status of the unit as it relates to its function and
14 performance.

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