

HB1617



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1617

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

20 ILCS 2421/30
730 ILCS 5/3-4-3

from Ch. 38, par. 1003-4-3

Amends the Unified Code of Corrections. Except as otherwise provided in the Blind Vendors Act, provides that all income from the sale of goods from vending machines located at Department of Corrections and Department of Juvenile Justice facilities shall be used solely for payments to the vendors of those machines and shall not be diverted by the respective Department for any other purpose. Provides that the price of any goods sold from vending machines at Department of Corrections and Department of Juvenile Justice facilities shall be the same for correctional officers, family members of committed persons, and other visitors to the facilities. Amends the Blind Vendors Act to make conforming changes.

LRB101 04786 SLF 49795 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Blind Vendors Act is amended by changing
5 Section 30 as follows:

6 (20 ILCS 2421/30)

7 Sec. 30. Vending machine income and compliance.

8 (a) Except as provided in subsections (b), (c), (d), (e),
9 and (i) of this Section, after July 1, 2010, all vending
10 machine income, as defined by this Act, from vending machines
11 on State property shall accrue to (1) the blind vendor
12 operating the vending facilities on the property or (2) in the
13 event there is no blind vendor operating a facility on the
14 property, the Blind Vendors Trust Fund for use exclusively as
15 set forth in subsection (a) of Section 25 of this Act.

16 (b) Notwithstanding the provisions of subsection (a) of
17 this Section, all State university cafeterias and vending
18 machines are exempt from this Act.

19 (c) Notwithstanding the provisions of subsection (a) of
20 this Section, all vending facilities at the Governor Samuel H.
21 Shapiro Developmental Center in Kankakee are exempt from this
22 Act.

23 (d) Notwithstanding the provisions of subsection (a) of

1 this Section, in the event there is no blind vendor operating a
2 vending facility on the State property, all vending machine
3 income, as defined in this Act, from vending machines on the
4 State property of the Department of Corrections and the
5 Department of Juvenile Justice shall accrue to the State agency
6 solely for the purposes described in subsection (c) of Section
7 3-4-3 of ~~and be allocated in accordance with the commissary~~
8 ~~provisions in~~ the Unified Code of Corrections.

9 (e) (Blank). ~~Notwithstanding the provisions of subsection~~
10 ~~(a) of this Section, in the event a blind vendor is operating a~~
11 ~~vending facility on the State property of the Department of~~
12 ~~Corrections or the Department of Juvenile Justice, a commission~~
13 ~~shall be paid to the State agency equal to 10% of the net~~
14 ~~proceeds from vending machines servicing State employees and~~
15 ~~25% of the net proceeds from vending machines servicing~~
16 ~~visitors on the State property.~~

17 (f) The Secretary, directly or by delegation of authority,
18 shall ensure compliance with this Section and Section 15 of
19 this Act with respect to buildings, installations, facilities,
20 roadside rest stops, and any other State property, and shall be
21 responsible for the collection of, and accounting for, all
22 vending machine income on this property. The Secretary shall
23 enforce these provisions through litigation, arbitration, or
24 any other legal means available to the State, and each State
25 agency in control of this property shall be subject to the
26 enforcement. State agencies or departments failing to comply

1 with an order of the Department may be held in contempt in any
2 court of general jurisdiction.

3 (g) Any limitation on the placement or operation of a
4 vending machine by a State agency based on a determination that
5 such placement or operation would adversely affect the
6 interests of the State must be explained in writing to the
7 Secretary. The Secretary shall promptly determine whether the
8 limitation is justified. If the Secretary determines that the
9 limitation is not justified, the State agency seeking the
10 limitation shall immediately remove the limitation.

11 (h) The amount of vending machine income accruing from
12 vending machines on State property that may be used for the
13 functions of the Committee shall be determined annually by a
14 two-thirds vote of the Committee, except that no more than 25%
15 of the annual vending machine income may be used by the
16 Committee for this purpose, based upon the income accruing to
17 the Blind Vendors Trust Fund in the preceding year. The
18 Committee may establish its budget and expend funds through
19 contract or otherwise without the approval of the Department.

20 (i) Notwithstanding the provisions of subsection (a) of
21 this Section, with respect to vending machines located on any
22 facility or property controlled or operated by the Division of
23 Mental Health or the Division of Developmental Disabilities
24 within the Department of Human Services:

25 (1) Any written contract in place as of the effective
26 date of this Act between the Division and the Business

1 Enterprise Program for the Blind shall be maintained and
2 fully adhered to including any moneys paid to the
3 individual facilities.

4 (2) With respect to existing vending machines with no
5 written contract or agreement in place as of the effective
6 date of this Act between the Division and a private vendor,
7 bottler, or vending machine supplier, the Business
8 Enterprise Program for the Blind has the right to provide
9 the vending services as provided in this Act, provided that
10 the blind vendor must provide 10% of gross sales from those
11 machines to the individual facilities.

12 (Source: P.A. 99-78, eff. 7-20-15.)

13 Section 10. The Unified Code of Corrections is amended by
14 changing Section 3-4-3 as follows:

15 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

16 Sec. 3-4-3. Funds and Property of Persons Committed.

17 (a) The Department of Corrections and the Department of
18 Juvenile Justice shall establish accounting records with
19 accounts for each person who has or receives money while in an
20 institution or facility of that Department and it shall allow
21 the withdrawal and disbursement of money by the person under
22 rules and regulations of that Department. Any interest or other
23 income from moneys deposited with the Department by a resident
24 of the Department of Juvenile Justice in excess of \$200 shall

1 accrue to the individual's account, or in balances up to \$200
2 shall accrue to the Residents' Benefit Fund. For an individual
3 in an institution or facility of the Department of Corrections
4 the interest shall accrue to the Residents' Benefit Fund. The
5 Department shall disburse all moneys so held no later than the
6 person's final discharge from the Department. Moneys in the
7 account of a committed person who files a lawsuit determined
8 frivolous under Article XXII of the Code of Civil Procedure
9 shall be deducted to pay for the filing fees and cost of the
10 suit as provided in that Article. The Department shall under
11 rules and regulations record and receipt all personal property
12 not allowed to committed persons. The Department shall return
13 such property to the individual no later than the person's
14 release on parole or aftercare.

15 (b) Any money held in accounts of committed persons
16 separated from the Department by death, discharge, or
17 unauthorized absence and unclaimed for a period of 1 year
18 thereafter by the person or his legal representative shall be
19 transmitted to the State Treasurer who shall deposit it into
20 the General Revenue Fund. Articles of personal property of
21 persons so separated may be sold or used by the Department if
22 unclaimed for a period of 1 year for the same purpose.
23 Clothing, if unclaimed within 30 days, may be used or disposed
24 of as determined by the Department.

25 (c) Forty percent of the profits on sales from commissary
26 stores shall be expended by the Department for the special

1 benefit of committed persons which shall include but not be
2 limited to the advancement of inmate payrolls, for the special
3 benefit of employees, and for the advancement or reimbursement
4 of employee travel, provided that amounts expended for
5 employees shall not exceed the amount of profits derived from
6 sales made to employees by such commissaries, as determined by
7 the Department. The remainder of the profits from sales from
8 commissary stores must be used first to pay for wages and
9 benefits of employees covered under a collective bargaining
10 agreement who are employed at commissary facilities of the
11 Department and then to pay the costs of dietary staff. Except
12 as otherwise provided in Section 30 of the Blind Vendors Act,
13 all income from the sale of goods from vending machines located
14 at Department of Corrections and Department of Juvenile Justice
15 facilities shall be used solely for payments to the vendors of
16 those machines and shall not be diverted by the respective
17 Department for any other purpose. The price of any goods sold
18 from vending machines at Department of Corrections and
19 Department of Juvenile Justice facilities shall be the same for
20 correctional officers, family members of committed persons,
21 and other visitors to the facilities.

22 (d) The Department shall confiscate any unauthorized
23 currency found in the possession of a committed person. The
24 Department shall transmit the confiscated currency to the State
25 Treasurer who shall deposit it into the General Revenue Fund.

26 (Source: P.A. 97-1083, eff. 8-24-12; 98-558, eff. 1-1-14.)