



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2040

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

730 ILCS 140/1	from Ch. 38, par. 1581
730 ILCS 140/1.5 new	
730 ILCS 140/2	from Ch. 38, par. 1582
730 ILCS 140/3	from Ch. 38, par. 1583

Amends the Private Correctional Facility Moratorium Act. Changes the title of the Act to the For-Profit Corrections Prohibition Act. Defines "non-profit contractor", private company", "private vendor", "private contractor", and "work release center". Provides that the State, any unit of local government, or a county sheriff, shall not contract with a private contractor or private vendor for the provision of services relating to community correctional supervision. Provides that the Act does not apply to State work release centers or juvenile residential facilities that provide separate care or special treatment operated in whole or part by non-profit (rather than private) contractors. Adds to exempted contracts for ancillary services contracts for electronic monitoring services.

LRB101 07762 SLF 52811 b

1 AN ACT concerning criminal law.

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 and adding
6 Section 1.5 as follows:

7 (730 ILCS 140/1) (from Ch. 38, par. 1581)

8 Sec. 1. Short title. This Act ~~shall be known and~~ may be
9 cited as the For-Profit Corrections Prohibition Private
10 Correctional Facility Moratorium Act.

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

12 (730 ILCS 140/1.5 new)

13 Sec. 1.5. Definitions. As used in this Act:

14 "Non-profit contractor" means an entity organized and
15 operating as a not-for-profit entity which provides
16 contractual services to federal, State, or local units of
17 government.

18 "Private company", "private vendor", or "private
19 contractor" means a for-profit corporation or business entity
20 not organized or operating as a not-for-profit entity.

21 "Work release center" means a facility contracted by a unit
22 of federal, State, or local government that provides post

1 corrections or incarceration employment, educational, or
2 substance or alcohol abuse supportive re-entry services to
3 ex-offenders.

4 (730 ILCS 140/2) (from Ch. 38, par. 1582)

5 Sec. 2. Legislative findings. The General Assembly hereby
6 finds and declares that the management and operation of a
7 correctional facility or institution and supervision of
8 offenders in the community involves functions that are
9 inherently governmental. The imposition of punishment on
10 errant citizens through incarceration or community
11 correctional supervision requires the State, any unit of local
12 government or a county sheriff, to exercise its coercive police
13 powers over individuals and is thus distinguishable from
14 privatization in other areas of government. It is further found
15 that issues of liability, accountability and cost warrant a
16 prohibition of the ownership, operation or management of
17 correctional facilities and community correctional supervision
18 by for-profit private contractors.

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

20 (730 ILCS 140/3) (from Ch. 38, par. 1583)

21 Sec. 3. Certain contracts prohibited. After the effective
22 date of this Act, the State, any unit of local government, or a
23 county sheriff, shall not contract with a private contractor or
24 private vendor for the provision of services relating to

1 community correctional supervision, the operation of a
2 correctional facility, or the incarceration of persons in the
3 custody of the Department of Corrections, the Department of
4 Juvenile Justice, or a sheriff; however, this Act does not
5 apply to (1) State work release centers or juvenile residential
6 facilities that provide separate care or special treatment
7 operated in whole or part by non-profit ~~private~~ contractors or
8 (2) contracts for ancillary services, including medical
9 services, educational services, electronic monitoring
10 services, repair and maintenance ~~contracts,~~ or other services
11 not directly related to the ownership, management, or operation
12 of security services in a correctional facility or for
13 community correctional supervision.

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