



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0649

Introduced 2/24/2021, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-9-2	from Ch. 38, par. 1003-9-2
730 ILCS 5/3-12-5	from Ch. 38, par. 1003-12-5
730 ILCS 5/3-13-5	from Ch. 38, par. 1003-13-5

Amends the Unified Code of Corrections. Provides that the wages paid to a person for work as a person committed to the Department of Corrections or the Department of Juvenile Justice, either in the correctional industries program, on work release, or in a work training program, shall not be less than the State minimum wage. Provides that the respective Department shall charge businesses reasonable hourly rates for meals and the housing of committed persons on work release, if applicable. Effective January 1, 2022.

LRB102 17166 KMF 22610 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 WHEREAS, To end the last vestiges of slavery and embrace
3 the spirit and the promise of the Thirteenth Amendment of the
4 United States Constitution, the General Assembly extends the
5 Illinois State minimum wage to detained workers in the
6 Illinois Department of Corrections and the State pay shall
7 match the average unemployment state pay rate for Illinois
8 residents at the Department of Corrections and the Department
9 of Juvenile Justice; therefore

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

12 Section 1. This Act may be referred to as the End Prison
13 Slavery Act.

14 Section 5. The Unified Code of Corrections is amended by
15 changing Sections 3-9-2, 3-12-5, and 3-13-5 as follows:

16 (730 ILCS 5/3-9-2) (from Ch. 38, par. 1003-9-2)

17 Sec. 3-9-2. Work Training Programs.

18 (a) The Department of Juvenile Justice, in conjunction
19 with the private sector, may establish and offer work training
20 to develop work habits and equip persons committed to it with
21 marketable skills to aid in their community placement upon

1 release. Committed persons participating in this program shall
2 be paid wages similar to those of comparable jobs in the
3 surrounding community, which wages shall not be less than the
4 State minimum wage prescribed in Section 4 of the Minimum Wage
5 Law. "Work" includes any task assigned to a committed person
6 for which a wage would have been due, except for his or her
7 status as a committed person. A portion of the wages earned
8 shall go to the Department of Juvenile Justice to pay part of
9 the committed person's room and board, a portion shall be
10 deposited into the Violent Crime Victim's Assistance Fund to
11 assist victims of crime, and the remainder shall be placed
12 into a savings account for the committed person which shall be
13 given to the committed person upon release. The Department
14 shall promulgate rules to regulate the distribution of the
15 wages earned.

16 (b) The Department of Juvenile Justice may establish
17 programs of incentive by achievement, participation in which
18 shall be on a voluntary basis, to sell goods or services to the
19 public with the net earnings distributed to the program
20 participants subject to rules of the Department of Juvenile
21 Justice.

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

23 (730 ILCS 5/3-12-5) (from Ch. 38, par. 1003-12-5)

24 Sec. 3-12-5. Compensation. Persons performing a work
25 assignment under subsection (a) of Section 3-12-2 shall ~~may~~

1 receive wages under rules and regulations of the Department.
2 In determining rates of compensation, the Department shall
3 consider the effort, skill and economic value of the work
4 performed. The compensation paid to a committed person shall
5 not be less than the State minimum wage prescribed in Section 4
6 of the Minimum Wage Law. "Work" includes any task assigned to a
7 committed person for which a wage would have been due, except
8 for his or her status as a committed person. Compensation
9 shall ~~may~~ be given to persons who participate in other
10 programs of the Department. If the committed person files a
11 lawsuit determined frivolous under Article XXII of the Code of
12 Civil Procedure, 50% of the compensation shall be used to
13 offset the filing fees and costs of the lawsuit as provided in
14 that Article until all fees and costs are paid in full. All
15 other wages shall be deposited in the individual's account
16 under rules and regulations of the Department.

17 (Source: P.A. 101-235, eff. 1-1-20.)

18 (730 ILCS 5/3-13-5) (from Ch. 38, par. 1003-13-5)

19 Sec. 3-13-5. Wages and Working Conditions.

20 A person on work release shall not be required to work for
21 less than the prevailing wage or under worse than prevailing
22 working conditions in the area, which shall not be less than
23 the State minimum wage prescribed in Section 4 of the Minimum
24 Wage Law. "Work" includes any task assigned to a committed
25 person for which a wage would have been due, except for his or

1 her status as a committed person. The Department shall charge
2 businesses reasonable hourly rates for meals and the housing
3 of committed persons on work release, if applicable.

4 (Source: P.A. 77-2097.)

5 Section 99. Effective date. This Act takes effect January
6 1, 2022.