

1 AN ACT concerning prisons.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-4-3 and 3-7-2a as follows:

6 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

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

8 (a) The Department shall establish accounting records
9 with accounts for each person who has or receives money while
10 in an institution or facility of the Department and it shall
11 allow the withdrawal and disbursement of money by the person
12 under rules and regulations of the Department. Any interest
13 or other income from moneys deposited with the Department by
14 a resident of the Juvenile Division in excess of \$200 shall
15 accrue to the individual's account, or in balances up to \$200
16 shall accrue to the Residents' Benefit Fund. For an
17 individual in an institution or facility of the Adult
18 Division the interest shall accrue to the Residents' Benefit
19 Fund. The Department shall disburse all moneys so held no
20 later than the person's final discharge from the Department.
21 Moneys in the account of a committed person who files a
22 lawsuit determined frivolous under Article XXII of the Code
23 of Civil Procedure shall be deducted to pay for the filing
24 fees and cost of the suit as provided in that Article. The
25 Department shall under rules and regulations record and
26 receipt all personal property not allowed to committed
27 persons. The Department shall return such property to the
28 individual no later than the person's release on parole.

29 (b) Any money held in accounts of committed persons
30 separated from the Department by death, discharge, or
31 unauthorized absence and unclaimed for a period of 1 year

1 thereafter by the person or his legal representative shall be
2 transmitted to the State Treasurer who shall deposit it into
3 the General Revenue Fund. Articles of personal property of
4 persons so separated may be sold or used by the Department if
5 unclaimed for a period of 1 year for the same purpose.
6 Clothing, if unclaimed within 30 days, may be used or
7 disposed of as determined by the Department.

8 (c) Forty percent of the profits on sales from
9 commissary stores shall be expended by the Department for the
10 special benefit of committed persons which shall include but
11 not be limited to the advancement of inmate payrolls, for the
12 special benefit of employees, and for the advancement or
13 reimbursement of employee travel, provided that amounts
14 expended for employees shall not exceed the amount of profits
15 derived from sales made to employees by such commissaries, as
16 determined by the Department. The remainder of the profits
17 from sales from commissary stores must be used first to pay
18 for wages and benefits of employees covered under a
19 collective bargaining agreement who are employed at
20 commissary facilities of the Department and then to pay the
21 costs of dietary staff.

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
25 State Treasurer who shall deposit it into the General Revenue
26 Fund.

27 (Source: P.A. 89-689, eff. 12-31-96; 90-505, eff. 8-19-97.)

28 (730 ILCS 5/3-7-2a) (from Ch. 38, par. 1003-7-2a)

29 Sec. 3-7-2a. If a facility maintains a commissary or
30 commissaries, the selling prices for all goods shall be
31 sufficient to cover the costs of the goods and an additional
32 charge of up to 35% for tobacco products and up to 25% for
33 non-tobacco products. The amount of the additional charges

1 for goods sold at commissaries shall be based upon the amount
2 necessary to pay for the wages and benefits of commissary
3 employees who are employed in commissary facilities of the
4 Department. The Department shall determine the additional
5 charges upon any changes in wages and benefits of commissary
6 employees as negotiated in the collective bargaining
7 agreement from 3% through 10%. A compliance audit of all
8 commissaries and the distribution of commissary funds shall
9 be included in the regular compliance audit of the Department
10 conducted by the Auditor General in accordance with the
11 Illinois State Auditing Act.

12 Items purchased for sale at any such commissary shall be
13 purchased, wherever possible, at wholesale costs. If a
14 facility maintains a commissary or commissaries as of the
15 effective date of this amendatory Act of the 93rd General
16 Assembly, the Department may not contract with a private
17 contractor or vendor to operate, manage, or perform any
18 portion of the commissary services. The Department may not
19 enter into any such contract for commissary services at a
20 facility that opens subsequent to the effective date of this
21 amendatory Act of the 93rd General Assembly.

22 (Source: P.A. 82-652.)