

1 AN ACT concerning employment.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 15-25 and by adding Sections 45-67 and 45-70
6 as follows:

7 (30 ILCS 500/15-25)

8 Sec. 15-25. Bulletin content.

9 (a) Invitations for bids. Notice of each and every contract
10 that is offered, including renegotiated contracts and change
11 orders, shall be published in the Bulletin. The applicable
12 chief procurement officer may provide by rule an organized
13 format for the publication of this information, but in any case
14 it must include at least the date first offered, the date
15 submission of offers is due, the location that offers are to be
16 submitted to, the purchasing State agency, the responsible
17 State purchasing officer, a brief purchase description, the
18 method of source selection, ~~and~~ information of how to obtain a
19 comprehensive purchase description and any disclosure and
20 contract forms, and encouragement to prospective vendors to
21 hire qualified veterans, as defined by Section 45-67 of this
22 Code, and Illinois residents discharged from any Illinois adult
23 correctional center.

24 (b) Contracts let or awarded. Notice of each and every
25 contract that is let or awarded, including renegotiated
26 contracts and change orders, shall be published in the next
27 available subsequent Bulletin, and the applicable chief
28 procurement officer may provide by rule an organized format for
29 the publication of this information, but in any case it must
30 include at least all of the information specified in subsection
31 (a) as well as the name of the successful responsible bidder or
32 offeror, the contract price, the number of unsuccessful

1 responsive bidders, and any other disclosure specified in any
2 Section of this Code.

3 (c) Emergency purchase disclosure. Any chief procurement
4 officer, State purchasing officer, or designee exercising
5 emergency purchase authority under this Code shall publish a
6 written description and reasons and the total cost, if known,
7 or an estimate if unknown and the name of the responsible chief
8 procurement officer and State purchasing officer, and the
9 business or person contracted with for all emergency purchases
10 in the next timely, practicable Bulletin.

11 (d) Other required disclosure. The applicable chief
12 procurement officer shall provide by rule for the organized
13 publication of all other disclosure required in other Sections
14 of this Code in a timely manner.

15 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

16 (30 ILCS 500/45-67 new)

17 Sec. 45-67. Encouragement to hire qualified veterans. A
18 chief procurement officer may, as part of any solicitation,
19 encourage prospective vendors to consider hiring qualified
20 veterans and to notify them of any available financial
21 incentives or other advantages associated with hiring such
22 persons. In establishing internal guidelines in furtherance of
23 this Section, the Department of Central Management Services may
24 work with an interagency advisory committee consisting of
25 representatives from the Department of Veterans Affairs, the
26 Department of Employment Security, the Department of Commerce
27 and Economic Opportunity, and the Department of Revenue and
28 consisting of 8 members of the General Assembly, 2 of whom are
29 appointed by the Speaker of the House of Representatives, 2 of
30 whom are appointed by the President of the Senate, 2 of whom
31 are appointed by the Minority Leader of the House of
32 Representatives, and 2 of whom are appointed by the Minority
33 Leader of the Senate.

34 For the purposes of this Section, "qualified veteran" means
35 an Illinois resident who: (i) was a member of the Armed Forces

1 of the United States, a member of the Illinois National Guard,
2 or a member of any reserve component of the Armed Forces of the
3 United States; (ii) served on active duty in connection with
4 Operation Desert Storm, Operation Enduring Freedom, or
5 Operation Iraqi Freedom; and (iii) was honorably discharged.

6 The Department of Central Management Services must report
7 to the Governor and to the General Assembly by December 31 of
8 each year on the activities undertaken by chief procurement
9 officers and the Department of Central Management Services to
10 encourage prospective vendors to consider hiring qualified
11 veterans. The report must include the number of vendors who
12 have hired qualified veterans.

13 (30 ILCS 500/45-70 new)

14 Sec. 45-70. Encouragement to hire ex-offenders. A chief
15 procurement officer may, as part of any solicitation, encourage
16 prospective vendors to consider hiring Illinois residents
17 discharged from any Illinois adult correctional center, in
18 appropriate circumstances, and to notify them of any available
19 financial incentives or other advantages associated with
20 hiring such persons. In establishing internal guidelines in
21 furtherance of this Section, the Department of Central
22 Management Services may work with an interagency advisory
23 committee consisting of representatives from the Department of
24 Corrections, the Department of Employment Security, the
25 Department of Juvenile Justice, the Department of Commerce and
26 Economic Opportunity, and the Department of Revenue and
27 consisting of 8 members of the General Assembly, 2 of whom are
28 appointed by the Speaker of the House of Representatives, 2 of
29 whom are appointed by the President of the Senate, 2 of whom
30 are appointed by the Minority Leader of the House of
31 Representatives, and 2 of whom are appointed by the Minority
32 Leader of the Senate.

33 The Department of Central Management Services must report
34 to the Governor and to the General Assembly by December 31 of
35 each year on the activities undertaken by chief procurement

1 officers and the Department of Central Management Services to
2 encourage prospective vendors to consider hiring Illinois
3 residents who have been discharged from an Illinois adult
4 correctional center. The report must include the number of
5 vendors who have hired Illinois residents who have been
6 discharged from any Illinois adult correctional center.

7 Section 10. The Illinois Income Tax Act is amended by
8 adding Sections 216 and 217 as follows:

9 (35 ILCS 5/216 new)

10 Sec. 216. Credit for wages paid to ex-felons.

11 (a) For each taxable year beginning on or after January 1,
12 2007, each taxpayer is entitled to a credit against the tax
13 imposed by subsections (a) and (b) of Section 201 of this Act
14 in an amount equal to 5% of qualified wages paid by the
15 taxpayer during the taxable year to one or more Illinois
16 residents who are qualified ex-offenders. The total credit
17 allowed to a taxpayer with respect to each qualified
18 ex-offender may not exceed \$600 for all taxable years. For
19 partners, shareholders of Subchapter S corporations, and
20 owners of limited liability companies, if the liability company
21 is treated as a partnership for purposes of federal and State
22 income taxation, there shall be allowed a credit under this
23 Section to be determined in accordance with the determination
24 of income and distributive share of income under Sections 702
25 and 704 and Subchapter S of the Internal Revenue Code.

26 (b) For purposes of this Section, "qualified wages":

27 (1) includes only wages that are subject to federal
28 unemployment tax under Section 3306 of the Internal Revenue
29 Code, without regard to any dollar limitation contained in
30 that Section;

31 (2) does not include any amounts paid or incurred by an
32 employer for any period to any qualified ex-offender for
33 whom the employer receives federally funded payments for
34 on-the-job training of that qualified ex-offender for that

1 period; and

2 (3) includes only wages attributable to service
3 rendered during the one-year period beginning with the day
4 the qualified ex-offender begins work for the employer.

5 If the taxpayer has received any payment from a program
6 established under Section 482(e)(1) of the federal Social
7 Security Act with respect to a qualified ex-offender, then, for
8 purposes of calculating the credit under this Section, the
9 amount of the qualified wages paid to that qualified
10 ex-offender must be reduced by the amount of the payment.

11 (c) For purposes of this Section, "qualified ex-offender"
12 means any person who:

13 (1) is an eligible offender, as defined under Section
14 5-5.5-5 of the Unified Code of Corrections;

15 (2) was sentenced to a period of incarceration in an
16 Illinois adult correctional center; and

17 (3) was hired by the taxpayer within one year after
18 being released from an Illinois adult correctional center.

19 (d) In no event shall a credit under this Section reduce
20 the taxpayer's liability to less than zero. If the amount of
21 the credit exceeds the tax liability for the year, the excess
22 may be carried forward and applied to the tax liability of the
23 5 taxable years following the excess credit year. The tax
24 credit shall be applied to the earliest year for which there is
25 a tax liability. If there are credits for more than one year
26 that are available to offset a liability, the earlier credit
27 shall be applied first.

28 (35 ILCS 5/217 new)

29 Sec. 217. Credit for wages paid to qualified veterans.

30 (a) For each taxable year beginning on or after January 1,
31 2007, each taxpayer is entitled to a credit against the tax
32 imposed by subsections (a) and (b) of Section 201 of this Act
33 in an amount equal to 5%, but in no event to exceed \$600, of the
34 gross wages paid by the taxpayer to a qualified veteran in the
35 course of that veteran's sustained employment during the

1 taxable year. For partners, shareholders of Subchapter S
2 corporations, and owners of limited liability companies, if the
3 liability company is treated as a partnership for purposes of
4 federal and State income taxation, there shall be allowed a
5 credit under this Section to be determined in accordance with
6 the determination of income and distributive share of income
7 under Sections 702 and 704 and Subchapter S of the Internal
8 Revenue Code.

9 (b) For purposes of this Section:

10 "Qualified veteran" means an Illinois resident who: (i) was
11 a member of the Armed Forces of the United States, a member of
12 the Illinois National Guard, or a member of any reserve
13 component of the Armed Forces of the United States; (ii) served
14 on active duty in connection with Operation Desert Storm,
15 Operation Enduring Freedom, or Operation Iraqi Freedom; (iii)
16 has provided, to the taxpayer, documentation showing that he or
17 she was honorably discharged; and (iv) was initially hired by
18 the taxpayer on or after January 1, 2007.

19 "Sustained employment" means a period of employment that is
20 not less than 185 days during the taxable year.

21 (c) In no event shall a credit under this Section reduce
22 the taxpayer's liability to less than zero. If the amount of
23 the credit exceeds the tax liability for the year, the excess
24 may be carried forward and applied to the tax liability of the
25 5 taxable years following the excess credit year. The tax
26 credit shall be applied to the earliest year for which there is
27 a tax liability. If there are credits for more than one year
28 that are available to offset a liability, the earlier credit
29 shall be applied first.

30 Section 15. The Unified Code of Corrections is amended by
31 changing Sections 3-2-2, 5-5-5, and 5-5.5-5 as follows:

32 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

33 (Text of Section before amendment by P.A. 94-696)

34 Sec. 3-2-2. Powers and Duties of the Department.

1 (1) In addition to the powers, duties and responsibilities
2 which are otherwise provided by law, the Department shall have
3 the following powers:

4 (a) To accept persons committed to it by the courts of
5 this State for care, custody, treatment and
6 rehabilitation, and to accept federal prisoners and aliens
7 over whom the Office of the Federal Detention Trustee is
8 authorized to exercise the federal detention function for
9 limited purposes and periods of time.

10 (b) To develop and maintain reception and evaluation
11 units for purposes of analyzing the custody and
12 rehabilitation needs of persons committed to it and to
13 assign such persons to institutions and programs under its
14 control or transfer them to other appropriate agencies. In
15 consultation with the Department of Alcoholism and
16 Substance Abuse (now the Department of Human Services), the
17 Department of Corrections shall develop a master plan for
18 the screening and evaluation of persons committed to its
19 custody who have alcohol or drug abuse problems, and for
20 making appropriate treatment available to such persons;
21 the Department shall report to the General Assembly on such
22 plan not later than April 1, 1987. The maintenance and
23 implementation of such plan shall be contingent upon the
24 availability of funds.

25 (b-1) To create and implement, on January 1, 2002, a
26 pilot program to establish the effectiveness of
27 pupillometer technology (the measurement of the pupil's
28 reaction to light) as an alternative to a urine test for
29 purposes of screening and evaluating persons committed to
30 its custody who have alcohol or drug problems. The pilot
31 program shall require the pupillometer technology to be
32 used in at least one Department of Corrections facility.
33 The Director may expand the pilot program to include an
34 additional facility or facilities as he or she deems
35 appropriate. A minimum of 4,000 tests shall be included in
36 the pilot program. The Department must report to the

1 General Assembly on the effectiveness of the program by
2 January 1, 2003.

3 (b-5) To develop, in consultation with the Department
4 of State Police, a program for tracking and evaluating each
5 inmate from commitment through release for recording his or
6 her gang affiliations, activities, or ranks.

7 (c) To maintain and administer all State correctional
8 institutions and facilities under its control and to
9 establish new ones as needed. Pursuant to its power to
10 establish new institutions and facilities, the Department
11 may, with the written approval of the Governor, authorize
12 the Department of Central Management Services to enter into
13 an agreement of the type described in subsection (d) of
14 Section 405-300 of the Department of Central Management
15 Services Law (20 ILCS 405/405-300). The Department shall
16 designate those institutions which shall constitute the
17 State Penitentiary System.

18 Pursuant to its power to establish new institutions and
19 facilities, the Department may authorize the Department of
20 Central Management Services to accept bids from counties
21 and municipalities for the construction, remodeling or
22 conversion of a structure to be leased to the Department of
23 Corrections for the purposes of its serving as a
24 correctional institution or facility. Such construction,
25 remodeling or conversion may be financed with revenue bonds
26 issued pursuant to the Industrial Building Revenue Bond Act
27 by the municipality or county. The lease specified in a bid
28 shall be for a term of not less than the time needed to
29 retire any revenue bonds used to finance the project, but
30 not to exceed 40 years. The lease may grant to the State
31 the option to purchase the structure outright.

32 Upon receipt of the bids, the Department may certify
33 one or more of the bids and shall submit any such bids to
34 the General Assembly for approval. Upon approval of a bid
35 by a constitutional majority of both houses of the General
36 Assembly, pursuant to joint resolution, the Department of

1 Central Management Services may enter into an agreement
2 with the county or municipality pursuant to such bid.

3 (c-5) To build and maintain regional juvenile
4 detention centers and to charge a per diem to the counties
5 as established by the Department to defray the costs of
6 housing each minor in a center. In this subsection (c-5),
7 "juvenile detention center" means a facility to house
8 minors during pendency of trial who have been transferred
9 from proceedings under the Juvenile Court Act of 1987 to
10 prosecutions under the criminal laws of this State in
11 accordance with Section 5-805 of the Juvenile Court Act of
12 1987, whether the transfer was by operation of law or
13 permissive under that Section. The Department shall
14 designate the counties to be served by each regional
15 juvenile detention center.

16 (d) To develop and maintain programs of control,
17 rehabilitation and employment of committed persons within
18 its institutions.

19 (d-5) To provide a pre-release job preparation program
20 for inmates at Illinois adult correctional centers.

21 (e) To establish a system of supervision and guidance
22 of committed persons in the community.

23 (f) To establish in cooperation with the Department of
24 Transportation to supply a sufficient number of prisoners
25 for use by the Department of Transportation to clean up the
26 trash and garbage along State, county, township, or
27 municipal highways as designated by the Department of
28 Transportation. The Department of Corrections, at the
29 request of the Department of Transportation, shall furnish
30 such prisoners at least annually for a period to be agreed
31 upon between the Director of Corrections and the Director
32 of Transportation. The prisoners used on this program shall
33 be selected by the Director of Corrections on whatever
34 basis he deems proper in consideration of their term,
35 behavior and earned eligibility to participate in such
36 program - where they will be outside of the prison facility

1 but still in the custody of the Department of Corrections.
2 Prisoners convicted of first degree murder, or a Class X
3 felony, or armed violence, or aggravated kidnapping, or
4 criminal sexual assault, aggravated criminal sexual abuse
5 or a subsequent conviction for criminal sexual abuse, or
6 forcible detention, or arson, or a prisoner adjudged a
7 Habitual Criminal shall not be eligible for selection to
8 participate in such program. The prisoners shall remain as
9 prisoners in the custody of the Department of Corrections
10 and such Department shall furnish whatever security is
11 necessary. The Department of Transportation shall furnish
12 trucks and equipment for the highway cleanup program and
13 personnel to supervise and direct the program. Neither the
14 Department of Corrections nor the Department of
15 Transportation shall replace any regular employee with a
16 prisoner.

17 (g) To maintain records of persons committed to it and
18 to establish programs of research, statistics and
19 planning.

20 (h) To investigate the grievances of any person
21 committed to the Department, to inquire into any alleged
22 misconduct by employees or committed persons, and to
23 investigate the assets of committed persons to implement
24 Section 3-7-6 of this Code; and for these purposes it may
25 issue subpoenas and compel the attendance of witnesses and
26 the production of writings and papers, and may examine
27 under oath any witnesses who may appear before it; to also
28 investigate alleged violations of a parolee's or
29 releasee's conditions of parole or release; and for this
30 purpose it may issue subpoenas and compel the attendance of
31 witnesses and the production of documents only if there is
32 reason to believe that such procedures would provide
33 evidence that such violations have occurred.

34 If any person fails to obey a subpoena issued under
35 this subsection, the Director may apply to any circuit
36 court to secure compliance with the subpoena. The failure

1 to comply with the order of the court issued in response
2 thereto shall be punishable as contempt of court.

3 (i) To appoint and remove the chief administrative
4 officers, and administer programs of training and
5 development of personnel of the Department. Personnel
6 assigned by the Department to be responsible for the
7 custody and control of committed persons or to investigate
8 the alleged misconduct of committed persons or employees or
9 alleged violations of a parolee's or releasee's conditions
10 of parole shall be conservators of the peace for those
11 purposes, and shall have the full power of peace officers
12 outside of the facilities of the Department in the
13 protection, arrest, retaking and reconfining of committed
14 persons or where the exercise of such power is necessary to
15 the investigation of such misconduct or violations.

16 (j) To cooperate with other departments and agencies
17 and with local communities for the development of standards
18 and programs for better correctional services in this
19 State.

20 (k) To administer all moneys and properties of the
21 Department.

22 (l) To report annually to the Governor on the committed
23 persons, institutions and programs of the Department.

24 (l-5) In a confidential annual report to the Governor,
25 the Department shall identify all inmate gangs by
26 specifying each current gang's name, population and allied
27 gangs. The Department shall further specify the number of
28 top leaders identified by the Department for each gang
29 during the past year, and the measures taken by the
30 Department to segregate each leader from his or her gang
31 and allied gangs. The Department shall further report the
32 current status of leaders identified and segregated in
33 previous years. All leaders described in the report shall
34 be identified by inmate number or other designation to
35 enable tracking, auditing, and verification without
36 revealing the names of the leaders. Because this report

1 contains law enforcement intelligence information
2 collected by the Department, the report is confidential and
3 not subject to public disclosure.

4 (m) To make all rules and regulations and exercise all
5 powers and duties vested by law in the Department.

6 (n) To establish rules and regulations for
7 administering a system of good conduct credits,
8 established in accordance with Section 3-6-3, subject to
9 review by the Prisoner Review Board.

10 (o) To administer the distribution of funds from the
11 State Treasury to reimburse counties where State penal
12 institutions are located for the payment of assistant
13 state's attorneys' salaries under Section 4-2001 of the
14 Counties Code.

15 (p) To exchange information with the Department of
16 Human Services and the ~~Illinois~~ Department of Healthcare
17 and Family Services ~~Public Aid~~ for the purpose of verifying
18 living arrangements and for other purposes directly
19 connected with the administration of this Code and the
20 Illinois Public Aid Code.

21 (q) To establish a diversion program.

22 The program shall provide a structured environment for
23 selected technical parole or mandatory supervised release
24 violators and committed persons who have violated the rules
25 governing their conduct while in work release. This program
26 shall not apply to those persons who have committed a new
27 offense while serving on parole or mandatory supervised
28 release or while committed to work release.

29 Elements of the program shall include, but shall not be
30 limited to, the following:

31 (1) The staff of a diversion facility shall provide
32 supervision in accordance with required objectives set
33 by the facility.

34 (2) Participants shall be required to maintain
35 employment.

36 (3) Each participant shall pay for room and board

1 at the facility on a sliding-scale basis according to
2 the participant's income.

3 (4) Each participant shall:

4 (A) provide restitution to victims in
5 accordance with any court order;

6 (B) provide financial support to his
7 dependents; and

8 (C) make appropriate payments toward any other
9 court-ordered obligations.

10 (5) Each participant shall complete community
11 service in addition to employment.

12 (6) Participants shall take part in such
13 counseling, educational and other programs as the
14 Department may deem appropriate.

15 (7) Participants shall submit to drug and alcohol
16 screening.

17 (8) The Department shall promulgate rules
18 governing the administration of the program.

19 (r) To enter into intergovernmental cooperation
20 agreements under which persons in the custody of the
21 Department may participate in a county impact
22 incarceration program established under Section 3-6038 or
23 3-15003.5 of the Counties Code.

24 (r-5) To enter into intergovernmental cooperation
25 agreements under which minors adjudicated delinquent and
26 committed to the Department of Corrections, Juvenile
27 Division, may participate in a county juvenile impact
28 incarceration program established under Section 3-6039 of
29 the Counties Code.

30 (r-10) To systematically and routinely identify with
31 respect to each streetgang active within the correctional
32 system: (1) each active gang; (2) every existing inter-gang
33 affiliation or alliance; and (3) the current leaders in
34 each gang. The Department shall promptly segregate leaders
35 from inmates who belong to their gangs and allied gangs.
36 "Segregate" means no physical contact and, to the extent

1 possible under the conditions and space available at the
2 correctional facility, prohibition of visual and sound
3 communication. For the purposes of this paragraph (r-10),
4 "leaders" means persons who:

5 (i) are members of a criminal streetgang;

6 (ii) with respect to other individuals within the
7 streetgang, occupy a position of organizer,
8 supervisor, or other position of management or
9 leadership; and

10 (iii) are actively and personally engaged in
11 directing, ordering, authorizing, or requesting
12 commission of criminal acts by others, which are
13 punishable as a felony, in furtherance of streetgang
14 related activity both within and outside of the
15 Department of Corrections.

16 "Streetgang", "gang", and "streetgang related" have the
17 meanings ascribed to them in Section 10 of the Illinois
18 Streetgang Terrorism Omnibus Prevention Act.

19 (s) To operate a super-maximum security institution,
20 in order to manage and supervise inmates who are disruptive
21 or dangerous and provide for the safety and security of the
22 staff and the other inmates.

23 (t) To monitor any unprivileged conversation or any
24 unprivileged communication, whether in person or by mail,
25 telephone, or other means, between an inmate who, before
26 commitment to the Department, was a member of an organized
27 gang and any other person without the need to show cause or
28 satisfy any other requirement of law before beginning the
29 monitoring, except as constitutionally required. The
30 monitoring may be by video, voice, or other method of
31 recording or by any other means. As used in this
32 subdivision (1)(t), "organized gang" has the meaning
33 ascribed to it in Section 10 of the Illinois Streetgang
34 Terrorism Omnibus Prevention Act.

35 As used in this subdivision (1)(t), "unprivileged
36 conversation" or "unprivileged communication" means a

1 conversation or communication that is not protected by any
2 privilege recognized by law or by decision, rule, or order
3 of the Illinois Supreme Court.

4 (u) To establish a Women's and Children's Pre-release
5 Community Supervision Program for the purpose of providing
6 housing and services to eligible female inmates, as
7 determined by the Department, and their newborn and young
8 children.

9 (v) To do all other acts necessary to carry out the
10 provisions of this Chapter.

11 (2) The Department of Corrections shall by January 1, 1998,
12 consider building and operating a correctional facility within
13 100 miles of a county of over 2,000,000 inhabitants, especially
14 a facility designed to house juvenile participants in the
15 impact incarceration program.

16 (3) When the Department lets bids for contracts for medical
17 services to be provided to persons committed to Department
18 facilities by a health maintenance organization, medical
19 service corporation, or other health care provider, the bid may
20 only be let to a health care provider that has obtained an
21 irrevocable letter of credit or performance bond issued by a
22 company whose bonds are rated AAA by a bond rating
23 organization.

24 (4) When the Department lets bids for contracts for food or
25 commissary services to be provided to Department facilities,
26 the bid may only be let to a food or commissary services
27 provider that has obtained an irrevocable letter of credit or
28 performance bond issued by a company whose bonds are rated AAA
29 by a bond rating organization.

30 (Source: P.A. 92-444, eff. 1-1-02; 92-712, eff. 1-1-03; 93-839,
31 eff. 7-30-04; revised 12-15-05.)

32 (Text of Section after amendment by P.A. 94-696)

33 Sec. 3-2-2. Powers and Duties of the Department.

34 (1) In addition to the powers, duties and responsibilities
35 which are otherwise provided by law, the Department shall have

1 the following powers:

2 (a) To accept persons committed to it by the courts of
3 this State for care, custody, treatment and
4 rehabilitation, and to accept federal prisoners and aliens
5 over whom the Office of the Federal Detention Trustee is
6 authorized to exercise the federal detention function for
7 limited purposes and periods of time.

8 (b) To develop and maintain reception and evaluation
9 units for purposes of analyzing the custody and
10 rehabilitation needs of persons committed to it and to
11 assign such persons to institutions and programs under its
12 control or transfer them to other appropriate agencies. In
13 consultation with the Department of Alcoholism and
14 Substance Abuse (now the Department of Human Services), the
15 Department of Corrections shall develop a master plan for
16 the screening and evaluation of persons committed to its
17 custody who have alcohol or drug abuse problems, and for
18 making appropriate treatment available to such persons;
19 the Department shall report to the General Assembly on such
20 plan not later than April 1, 1987. The maintenance and
21 implementation of such plan shall be contingent upon the
22 availability of funds.

23 (b-1) To create and implement, on January 1, 2002, a
24 pilot program to establish the effectiveness of
25 pupillometer technology (the measurement of the pupil's
26 reaction to light) as an alternative to a urine test for
27 purposes of screening and evaluating persons committed to
28 its custody who have alcohol or drug problems. The pilot
29 program shall require the pupillometer technology to be
30 used in at least one Department of Corrections facility.
31 The Director may expand the pilot program to include an
32 additional facility or facilities as he or she deems
33 appropriate. A minimum of 4,000 tests shall be included in
34 the pilot program. The Department must report to the
35 General Assembly on the effectiveness of the program by
36 January 1, 2003.

1 (b-5) To develop, in consultation with the Department
2 of State Police, a program for tracking and evaluating each
3 inmate from commitment through release for recording his or
4 her gang affiliations, activities, or ranks.

5 (c) To maintain and administer all State correctional
6 institutions and facilities under its control and to
7 establish new ones as needed. Pursuant to its power to
8 establish new institutions and facilities, the Department
9 may, with the written approval of the Governor, authorize
10 the Department of Central Management Services to enter into
11 an agreement of the type described in subsection (d) of
12 Section 405-300 of the Department of Central Management
13 Services Law (20 ILCS 405/405-300). The Department shall
14 designate those institutions which shall constitute the
15 State Penitentiary System.

16 Pursuant to its power to establish new institutions and
17 facilities, the Department may authorize the Department of
18 Central Management Services to accept bids from counties
19 and municipalities for the construction, remodeling or
20 conversion of a structure to be leased to the Department of
21 Corrections for the purposes of its serving as a
22 correctional institution or facility. Such construction,
23 remodeling or conversion may be financed with revenue bonds
24 issued pursuant to the Industrial Building Revenue Bond Act
25 by the municipality or county. The lease specified in a bid
26 shall be for a term of not less than the time needed to
27 retire any revenue bonds used to finance the project, but
28 not to exceed 40 years. The lease may grant to the State
29 the option to purchase the structure outright.

30 Upon receipt of the bids, the Department may certify
31 one or more of the bids and shall submit any such bids to
32 the General Assembly for approval. Upon approval of a bid
33 by a constitutional majority of both houses of the General
34 Assembly, pursuant to joint resolution, the Department of
35 Central Management Services may enter into an agreement
36 with the county or municipality pursuant to such bid.

1 (c-5) To build and maintain regional juvenile
2 detention centers and to charge a per diem to the counties
3 as established by the Department to defray the costs of
4 housing each minor in a center. In this subsection (c-5),
5 "juvenile detention center" means a facility to house
6 minors during pendency of trial who have been transferred
7 from proceedings under the Juvenile Court Act of 1987 to
8 prosecutions under the criminal laws of this State in
9 accordance with Section 5-805 of the Juvenile Court Act of
10 1987, whether the transfer was by operation of law or
11 permissive under that Section. The Department shall
12 designate the counties to be served by each regional
13 juvenile detention center.

14 (d) To develop and maintain programs of control,
15 rehabilitation and employment of committed persons within
16 its institutions.

17 (d-5) To provide a pre-release job preparation program
18 for inmates at Illinois adult correctional centers.

19 (e) To establish a system of supervision and guidance
20 of committed persons in the community.

21 (f) To establish in cooperation with the Department of
22 Transportation to supply a sufficient number of prisoners
23 for use by the Department of Transportation to clean up the
24 trash and garbage along State, county, township, or
25 municipal highways as designated by the Department of
26 Transportation. The Department of Corrections, at the
27 request of the Department of Transportation, shall furnish
28 such prisoners at least annually for a period to be agreed
29 upon between the Director of Corrections and the Director
30 of Transportation. The prisoners used on this program shall
31 be selected by the Director of Corrections on whatever
32 basis he deems proper in consideration of their term,
33 behavior and earned eligibility to participate in such
34 program - where they will be outside of the prison facility
35 but still in the custody of the Department of Corrections.
36 Prisoners convicted of first degree murder, or a Class X

1 felony, or armed violence, or aggravated kidnapping, or
2 criminal sexual assault, aggravated criminal sexual abuse
3 or a subsequent conviction for criminal sexual abuse, or
4 forcible detention, or arson, or a prisoner adjudged a
5 Habitual Criminal shall not be eligible for selection to
6 participate in such program. The prisoners shall remain as
7 prisoners in the custody of the Department of Corrections
8 and such Department shall furnish whatever security is
9 necessary. The Department of Transportation shall furnish
10 trucks and equipment for the highway cleanup program and
11 personnel to supervise and direct the program. Neither the
12 Department of Corrections nor the Department of
13 Transportation shall replace any regular employee with a
14 prisoner.

15 (g) To maintain records of persons committed to it and
16 to establish programs of research, statistics and
17 planning.

18 (h) To investigate the grievances of any person
19 committed to the Department, to inquire into any alleged
20 misconduct by employees or committed persons, and to
21 investigate the assets of committed persons to implement
22 Section 3-7-6 of this Code; and for these purposes it may
23 issue subpoenas and compel the attendance of witnesses and
24 the production of writings and papers, and may examine
25 under oath any witnesses who may appear before it; to also
26 investigate alleged violations of a parolee's or
27 releasee's conditions of parole or release; and for this
28 purpose it may issue subpoenas and compel the attendance of
29 witnesses and the production of documents only if there is
30 reason to believe that such procedures would provide
31 evidence that such violations have occurred.

32 If any person fails to obey a subpoena issued under
33 this subsection, the Director may apply to any circuit
34 court to secure compliance with the subpoena. The failure
35 to comply with the order of the court issued in response
36 thereto shall be punishable as contempt of court.

1 (i) To appoint and remove the chief administrative
2 officers, and administer programs of training and
3 development of personnel of the Department. Personnel
4 assigned by the Department to be responsible for the
5 custody and control of committed persons or to investigate
6 the alleged misconduct of committed persons or employees or
7 alleged violations of a parolee's or releasee's conditions
8 of parole shall be conservators of the peace for those
9 purposes, and shall have the full power of peace officers
10 outside of the facilities of the Department in the
11 protection, arrest, retaking and reconfining of committed
12 persons or where the exercise of such power is necessary to
13 the investigation of such misconduct or violations.

14 (j) To cooperate with other departments and agencies
15 and with local communities for the development of standards
16 and programs for better correctional services in this
17 State.

18 (k) To administer all moneys and properties of the
19 Department.

20 (l) To report annually to the Governor on the committed
21 persons, institutions and programs of the Department.

22 (l-5) In a confidential annual report to the Governor,
23 the Department shall identify all inmate gangs by
24 specifying each current gang's name, population and allied
25 gangs. The Department shall further specify the number of
26 top leaders identified by the Department for each gang
27 during the past year, and the measures taken by the
28 Department to segregate each leader from his or her gang
29 and allied gangs. The Department shall further report the
30 current status of leaders identified and segregated in
31 previous years. All leaders described in the report shall
32 be identified by inmate number or other designation to
33 enable tracking, auditing, and verification without
34 revealing the names of the leaders. Because this report
35 contains law enforcement intelligence information
36 collected by the Department, the report is confidential and

1 not subject to public disclosure.

2 (m) To make all rules and regulations and exercise all
3 powers and duties vested by law in the Department.

4 (n) To establish rules and regulations for
5 administering a system of good conduct credits,
6 established in accordance with Section 3-6-3, subject to
7 review by the Prisoner Review Board.

8 (o) To administer the distribution of funds from the
9 State Treasury to reimburse counties where State penal
10 institutions are located for the payment of assistant
11 state's attorneys' salaries under Section 4-2001 of the
12 Counties Code.

13 (p) To exchange information with the Department of
14 Human Services and the ~~Illinois~~ Department of Healthcare
15 and Family Services ~~Public Aid~~ for the purpose of verifying
16 living arrangements and for other purposes directly
17 connected with the administration of this Code and the
18 Illinois Public Aid Code.

19 (q) To establish a diversion program.

20 The program shall provide a structured environment for
21 selected technical parole or mandatory supervised release
22 violators and committed persons who have violated the rules
23 governing their conduct while in work release. This program
24 shall not apply to those persons who have committed a new
25 offense while serving on parole or mandatory supervised
26 release or while committed to work release.

27 Elements of the program shall include, but shall not be
28 limited to, the following:

29 (1) The staff of a diversion facility shall provide
30 supervision in accordance with required objectives set
31 by the facility.

32 (2) Participants shall be required to maintain
33 employment.

34 (3) Each participant shall pay for room and board
35 at the facility on a sliding-scale basis according to
36 the participant's income.

- 1 (4) Each participant shall:
- 2 (A) provide restitution to victims in
- 3 accordance with any court order;
- 4 (B) provide financial support to his
- 5 dependents; and
- 6 (C) make appropriate payments toward any other
- 7 court-ordered obligations.
- 8 (5) Each participant shall complete community
- 9 service in addition to employment.
- 10 (6) Participants shall take part in such
- 11 counseling, educational and other programs as the
- 12 Department may deem appropriate.
- 13 (7) Participants shall submit to drug and alcohol
- 14 screening.
- 15 (8) The Department shall promulgate rules
- 16 governing the administration of the program.
- 17 (r) To enter into intergovernmental cooperation
- 18 agreements under which persons in the custody of the
- 19 Department may participate in a county impact
- 20 incarceration program established under Section 3-6038 or
- 21 3-15003.5 of the Counties Code.
- 22 (r-5) (Blank).
- 23 (r-10) To systematically and routinely identify with
- 24 respect to each streetgang active within the correctional
- 25 system: (1) each active gang; (2) every existing inter-gang
- 26 affiliation or alliance; and (3) the current leaders in
- 27 each gang. The Department shall promptly segregate leaders
- 28 from inmates who belong to their gangs and allied gangs.
- 29 "Segregate" means no physical contact and, to the extent
- 30 possible under the conditions and space available at the
- 31 correctional facility, prohibition of visual and sound
- 32 communication. For the purposes of this paragraph (r-10),
- 33 "leaders" means persons who:
- 34 (i) are members of a criminal streetgang;
- 35 (ii) with respect to other individuals within the
- 36 streetgang, occupy a position of organizer,

1 supervisor, or other position of management or
2 leadership; and

3 (iii) are actively and personally engaged in
4 directing, ordering, authorizing, or requesting
5 commission of criminal acts by others, which are
6 punishable as a felony, in furtherance of streetgang
7 related activity both within and outside of the
8 Department of Corrections.

9 "Streetgang", "gang", and "streetgang related" have the
10 meanings ascribed to them in Section 10 of the Illinois
11 Streetgang Terrorism Omnibus Prevention Act.

12 (s) To operate a super-maximum security institution,
13 in order to manage and supervise inmates who are disruptive
14 or dangerous and provide for the safety and security of the
15 staff and the other inmates.

16 (t) To monitor any unprivileged conversation or any
17 unprivileged communication, whether in person or by mail,
18 telephone, or other means, between an inmate who, before
19 commitment to the Department, was a member of an organized
20 gang and any other person without the need to show cause or
21 satisfy any other requirement of law before beginning the
22 monitoring, except as constitutionally required. The
23 monitoring may be by video, voice, or other method of
24 recording or by any other means. As used in this
25 subdivision (1)(t), "organized gang" has the meaning
26 ascribed to it in Section 10 of the Illinois Streetgang
27 Terrorism Omnibus Prevention Act.

28 As used in this subdivision (1)(t), "unprivileged
29 conversation" or "unprivileged communication" means a
30 conversation or communication that is not protected by any
31 privilege recognized by law or by decision, rule, or order
32 of the Illinois Supreme Court.

33 (u) To establish a Women's and Children's Pre-release
34 Community Supervision Program for the purpose of providing
35 housing and services to eligible female inmates, as
36 determined by the Department, and their newborn and young

1 children.

2 (v) To do all other acts necessary to carry out the
3 provisions of this Chapter.

4 (2) The Department of Corrections shall by January 1, 1998,
5 consider building and operating a correctional facility within
6 100 miles of a county of over 2,000,000 inhabitants, especially
7 a facility designed to house juvenile participants in the
8 impact incarceration program.

9 (3) When the Department lets bids for contracts for medical
10 services to be provided to persons committed to Department
11 facilities by a health maintenance organization, medical
12 service corporation, or other health care provider, the bid may
13 only be let to a health care provider that has obtained an
14 irrevocable letter of credit or performance bond issued by a
15 company whose bonds are rated AAA by a bond rating
16 organization.

17 (4) When the Department lets bids for contracts for food or
18 commissary services to be provided to Department facilities,
19 the bid may only be let to a food or commissary services
20 provider that has obtained an irrevocable letter of credit or
21 performance bond issued by a company whose bonds are rated AAA
22 by a bond rating organization.

23 (Source: P.A. 93-839, eff. 7-30-04; 94-696, eff. 6-1-06;
24 revised 12-15-05.)

25 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

26 Sec. 5-5-5. Loss and Restoration of Rights.

27 (a) Conviction and disposition shall not entail the loss by
28 the defendant of any civil rights, except under this Section
29 and Sections 29-6 and 29-10 of The Election Code, as now or
30 hereafter amended.

31 (b) A person convicted of a felony shall be ineligible to
32 hold an office created by the Constitution of this State until
33 the completion of his sentence.

34 (c) A person sentenced to imprisonment shall lose his right
35 to vote until released from imprisonment.

1 (d) On completion of sentence of imprisonment or upon
2 discharge from probation, conditional discharge or periodic
3 imprisonment, or at any time thereafter, all license rights and
4 privileges granted under the authority of this State which have
5 been revoked or suspended because of conviction of an offense
6 shall be restored unless the authority having jurisdiction of
7 such license rights finds after investigation and hearing that
8 restoration is not in the public interest. This paragraph (d)
9 shall not apply to the suspension or revocation of a license to
10 operate a motor vehicle under the Illinois Vehicle Code.

11 (e) Upon a person's discharge from incarceration or parole,
12 or upon a person's discharge from probation or at any time
13 thereafter, the committing court may enter an order certifying
14 that the sentence has been satisfactorily completed when the
15 court believes it would assist in the rehabilitation of the
16 person and be consistent with the public welfare. Such order
17 may be entered upon the motion of the defendant or the State or
18 upon the court's own motion.

19 (f) Upon entry of the order, the court shall issue to the
20 person in whose favor the order has been entered a certificate
21 stating that his behavior after conviction has warranted the
22 issuance of the order.

23 (g) This Section shall not affect the right of a defendant
24 to collaterally attack his conviction or to rely on it in bar
25 of subsequent proceedings for the same offense.

26 (h) No application for any license specified in subsection
27 (i) of this Section granted under the authority of this State
28 shall be denied by reason of an eligible offender who has
29 obtained a certificate of relief from disabilities, as defined
30 in Article 5.5 of this Chapter, having been previously
31 convicted of one or more criminal offenses, or by reason of a
32 finding of lack of "good moral character" when the finding is
33 based upon the fact that the applicant has previously been
34 convicted of one or more criminal offenses, unless:

35 (1) there is a direct relationship between one or more
36 of the previous criminal offenses and the specific license

1 sought; or

2 (2) the issuance of the license would involve an
3 unreasonable risk to property or to the safety or welfare
4 of specific individuals or the general public.

5 In making such a determination, the licensing agency shall
6 consider the following factors:

7 (1) the public policy of this State, as expressed in
8 Article 5.5 of this Chapter, to encourage the licensure and
9 employment of persons previously convicted of one or more
10 criminal offenses;

11 (2) the specific duties and responsibilities
12 necessarily related to the license being sought;

13 (3) the bearing, if any, the criminal offenses or
14 offenses for which the person was previously convicted will
15 have on his or her fitness or ability to perform one or
16 more such duties and responsibilities;

17 (4) the time which has elapsed since the occurrence of
18 the criminal offense or offenses;

19 (5) the age of the person at the time of occurrence of
20 the criminal offense or offenses;

21 (6) the seriousness of the offense or offenses;

22 (7) any information produced by the person or produced
23 on his or her behalf in regard to his or her rehabilitation
24 and good conduct, including a certificate of relief from
25 disabilities issued to the applicant, which certificate
26 shall create a presumption of rehabilitation in regard to
27 the offense or offenses specified in the certificate; and

28 (8) the legitimate interest of the licensing agency in
29 protecting property, and the safety and welfare of specific
30 individuals or the general public.

31 (i) A certificate of relief from disabilities shall be
32 issued only for a license or certification issued under the
33 following Acts:

34 (1) the Animal Welfare Act; except that a certificate
35 of relief from disabilities may not be granted to provide
36 for the issuance or restoration of a license under the

1 Animal Welfare Act for any person convicted of violating
2 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
3 Care for Animals Act or Section 26-5 of the Criminal Code
4 of 1961;

5 (2) the Illinois Athletic Trainers Practice Act;

6 (3) the Barber, Cosmetology, Esthetics, and Nail
7 Technology Act of 1985;

8 (4) the Boiler and Pressure Vessel Repairer Regulation
9 Act;

10 (5) the Professional Boxing Act;

11 (6) the Illinois Certified Shorthand Reporters Act of
12 1984;

13 (7) the Illinois Farm Labor Contractor Certification
14 Act;

15 (8) the Interior Design Title Act;

16 (9) the Illinois Professional Land Surveyor Act of
17 1989;

18 (10) the Illinois Landscape Architecture Act of 1989;

19 (11) the Marriage and Family Therapy Licensing Act;

20 (12) the Private Employment Agency Act;

21 (13) the Professional Counselor and Clinical
22 Professional Counselor Licensing Act;

23 (14) the Real Estate License Act of 2000;

24 (15) the Illinois Roofing Industry Licensing Act;

25 (16) the Professional Engineering Practice Act of
26 1989;

27 (17) the Water Well and Pump Installation Contractor's
28 License Act; ~~and~~

29 (18) the Electrologist Licensing Act; ~~and~~

30 (19) the Auction License Act;

31 (20) Illinois Architecture Practice Act of 1989;

32 (21) the Dietetic and Nutrition Services Practice Act;

33 (22) the Environmental Health Practitioner Licensing
34 Act;

35 (23) the Funeral Directors and Embalmers Licensing
36 Code;

- 1 (24) the Land Sales Registration Act of 1999;
2 (25) the Professional Geologist Licensing Act;
3 (26) the Illinois Public Accounting Act; and
4 (27) the Structural Engineering Practice Act of 1989.

5 (Source: P.A. 93-207, eff. 1-1-04; 93-914, eff. 1-1-05.)

6 (730 ILCS 5/5-5.5-5)

7 Sec. 5-5.5-5. Definitions and rules of construction. In
8 this Article:

9 "Eligible offender" means a person who has been convicted
10 of a crime or of an offense that is not a crime of violence as
11 defined in Section 2 of the Crime Victims Compensation Act, a
12 Class X or a nonprobationable offense, or a violation of
13 Article 11 or Article 12 of the Criminal Code of 1961, but who
14 has not been convicted more than twice ~~once~~ of a felony.

15 "Felony" means a conviction of a felony in this State, or
16 of an offense in any other jurisdiction for which a sentence to
17 a term of imprisonment in excess of one year, was authorized.

18 For the purposes of this Article the following rules of
19 construction apply:

20 (i) two or more convictions of felonies charged in
21 separate counts of one indictment or information shall be
22 deemed to be one conviction;

23 (ii) two or more convictions of felonies charged in 2
24 or more indictments or informations, filed in the same
25 court prior to entry of judgment under any of them, shall
26 be deemed to be one conviction; and

27 (iii) a plea or a verdict of guilty upon which a
28 sentence of probation, conditional discharge, or
29 supervision has been imposed shall be deemed to be a
30 conviction.

31 (Source: P.A. 93-207, eff. 1-1-04.)

32 Section 95. No acceleration or delay. Where this Act makes
33 changes in a statute that is represented in this Act by text
34 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.