

1 AN ACT concerning corrections.

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

4 Section 5. If and only if the provisions of House Bill 1994  
5 of the 96th General Assembly that are changed by this  
6 amendatory Act of the 96th General Assembly become law, the  
7 Illinois Procurement Code is amended by changing Section 45-30  
8 as follows:

9 (30 ILCS 500/45-30)

10 Sec. 45-30. Illinois Correctional industries.  
11 Notwithstanding anything to the contrary in other law, the  
12 chief procurement officer of the Department of Central  
13 Management Services shall, in consultation with Illinois  
14 Correctional Industries, a division of the Illinois Department  
15 of Corrections (referred to as the "Illinois Correctional  
16 Industries" or "ICI") determine for all State agencies which  
17 articles, materials, industry related services, food stuffs,  
18 and finished goods that are produced or manufactured by persons  
19 confined in institutions and facilities of the Department of  
20 Corrections who are participating ~~inmate workers employed~~ in  
21 Illinois Correctional Industries programs shall be purchased  
22 from Illinois Correctional Industries. The chief procurement  
23 officer of Central Management Services shall develop and

1 distribute to the various purchasing and using agencies a  
2 listing of all Illinois Correctional Industries products and  
3 procedures for implementing this Section.

4 (Source: P.A. 90-572, eff. date - See Sec. 99-5; 96HB1994  
5 enrolled.)

6 Section 10. If and only if the provisions of House Bill  
7 1994 of the 96th General Assembly that are changed by this  
8 amendatory Act of the 96th General Assembly become law, the  
9 Unified Code of Corrections is amended by changing Sections  
10 3-12-2, 3-12-3a, 3-12-6, and 3-12-7 as follows:

11 (730 ILCS 5/3-12-2) (from Ch. 38, par. 1003-12-2)

12 Sec. 3-12-2. Types of employment.

13 (a) The Department shall provide inmate workers for  
14 Illinois Correctional Industries to work in programs  
15 established to train and employ committed persons in the  
16 production of food stuffs ~~products~~ and finished goods and any  
17 articles, materials or supplies for resale to State agencies  
18 and authorized purchasers. It may also employ committed persons  
19 on public works, buildings and property, the conservation of  
20 natural resources of the State, anti-pollution or  
21 environmental control projects, or for other public purposes,  
22 for the maintenance of the Department's buildings and  
23 properties and for the production of food or other necessities  
24 for its programs. The Department may establish, maintain and

1 employ committed persons in the production of vehicle  
2 registration plates. A committed person's labor shall not be  
3 sold, contracted or hired out by the Department except under  
4 this Article ~~and under Section 3-9-2.~~

5 (b) Works of art, literature, handicraft or other items  
6 produced by committed persons as an avocation and not as a  
7 product of a work program of the Department may be sold to the  
8 public under rules and regulations established by the  
9 Department. The cost of selling such products may be deducted  
10 from the proceeds, and the balance shall be credited to the  
11 person's account under Section 3-4-3. The Department shall  
12 notify the Attorney General of the existence of any proceeds  
13 which it believes should be applied towards a satisfaction, in  
14 whole or in part, of the person's incarceration costs.

15 (Source: P.A. 94-1017, eff. 7-7-06; 96HB1994 enrolled.)

16 (730 ILCS 5/3-12-3a) (from Ch. 38, par. 1003-12-3a)

17 Sec. 3-12-3a. (a) Contracts, leases, and business  
18 agreements. The Department shall promulgate such rules and  
19 policies as it deems necessary to establish, manage, and  
20 operate its Illinois Correctional Industries division ~~enter~~  
21 ~~into a contract or other type of business agreement with~~  
22 ~~Illinois Correctional Industries~~ for the purpose of utilizing  
23 committed persons in the manufacture of food stuffs ~~products,~~  
24 finished goods or wares. To the extent not inconsistent with  
25 the function and role of the ICI, the Department may enter into

1 a contract, lease, or other type of business agreement, not to  
2 exceed 20 years, with any private corporation, partnership,  
3 person, or other business entity for the purpose of utilizing  
4 committed persons in the provision of services or for any other  
5 business or commercial enterprise deemed by the Department to  
6 be consistent with proper training and rehabilitation of  
7 committed persons ~~of Illinois Correctional Industries.~~

8 Illinois Correctional Industries' spending authority shall  
9 be separate and apart from the Department's budget and  
10 appropriations. Control of Illinois Correctional Industries  
11 accounting processes and budget requests to the General  
12 Assembly, other budgetary processes, audits by the Office of  
13 the Auditor General, and computer processes shall be returned  
14 to Illinois Correctional Industries.

15 (b) The Department shall be permitted to construct  
16 buildings on State property for the purposes identified in  
17 subsection (a) and to lease for a period not to exceed 20 years  
18 any building or portion thereof on State property for the  
19 purposes identified in subsection (a).

20 (c) Any contract or other business agreement referenced in  
21 subsection (a) shall include a provision requiring that all  
22 committed persons assigned receive in connection with their  
23 assignment such vocational training and/or apprenticeship  
24 programs as the Department deems appropriate.

25 (d) Committed persons assigned in accordance with this  
26 Section shall be compensated in accordance with the provisions

1 of Section 3-12-5.

2 (Source: P.A. 86-450; 96HB1994 enrolled.)

3 (730 ILCS 5/3-12-6) (from Ch. 38, par. 1003-12-6)

4 Sec. 3-12-6. Programs. Through its Illinois Correctional  
5 Industries division, the Department shall establish  
6 commercial, business, and manufacturing programs ~~on behalf of~~  
7 ~~the State of Illinois~~ for the sale of finished goods and  
8 processed food and beverages to the State, its political units,  
9 ~~its~~ agencies, and other public institutions. Illinois  
10 Correctional Industries shall establish, operate, and maintain  
11 manufacturing and food and beverage production in the  
12 Department ~~of Corrections~~ facilities and provide food for the  
13 Department ~~of Corrections~~ institutions and for the mental  
14 health and developmental disabilities institutions of the  
15 Department of Human Services and the institutions of the  
16 Department of Veterans' Affairs ~~for consumption in those~~  
17 ~~agencies' institutions.~~

18 Illinois Correctional Industries shall be administered by  
19 a chief executive officer. The chief executive officer shall  
20 report to the Director of the Department. ~~The Director may not~~  
21 ~~delegate direction of Illinois Correctional Industries~~  
22 ~~management and fiscal processes formally or indirectly to any~~  
23 ~~other division, component, or contractor of the Department. The~~  
24 ~~chief executive officer shall be responsible for all persons~~  
25 ~~assigned to the institution or facility that are employed in~~

1 ~~Industries programs.~~ The chief executive officer shall  
2 administer the commercial and business programs of ICI for  
3 inmate workers in the custody of the Department of Corrections.

4 The chief executive officer shall have such assistants as  
5 are required for sales staff, manufacturing, budget, fiscal,  
6 accounting, computer, human services, and personnel as  
7 necessary to run its commercial and business programs.

8 Illinois Correctional Industries shall have a financial  
9 officer who shall report to the chief executive officer. The  
10 financial officer shall: (i) assist in the development and  
11 presentation of the Department budget submission; (ii) manage  
12 and control the spending authority of ICI; and (iii) provide  
13 oversight of the financial activities of ICI, both internally  
14 and through coordination with the Department fiscal operations  
15 personnel, including accounting processes, budget submissions,  
16 other budgetary processes, audits by the Office of the Auditor  
17 General, and computer processes.

18 Illinois Correctional Industries shall be located in  
19 Springfield. The chief executive officer of Illinois  
20 Correctional Industries shall assign personnel to direct the  
21 production of goods and shall employ committed persons assigned  
22 by the chief administrative officer. The Department of  
23 Corrections may direct such other vocational programs as it  
24 ~~that the Department~~ deems necessary for the rehabilitation of  
25 inmates, which shall be separate and apart from, and not ~~Such~~  
26 ~~programs shall not compete, interfere, or be in conflict with,~~

1 ~~the missions and~~ programs of Illinois Correctional Industries.

2 (Source: P.A. 80-728; 96HB1994 enrolled.)

3 (730 ILCS 5/3-12-7) (from Ch. 38, par. 1003-12-7)

4 Sec. 3-12-7. Purchasers; Allocation.

5 (a) The State, its political units, ~~its~~ agencies and other  
6 public institutions shall purchase from Illinois Correctional  
7 Industries all manufactured goods, articles, materials,  
8 industry related services, food stuffs, and supplies required  
9 by them which are produced or manufactured by persons confined  
10 in institutions and facilities of the Department ~~that are~~  
11 ~~employed in Illinois Correctional Industries programs~~. The  
12 Secretary of State may purchase from the Department vehicle  
13 registration plates produced by persons confined in  
14 institutions and facilities of the Department. The Secretary  
15 shall determine reasonable specifications and prices of such  
16 vehicle registration plates as agreed upon with the Department.  
17 Not-for-profit corporations chartered in Illinois or other  
18 States may purchase such goods and services. Units of the  
19 Federal government and units of government in other States may  
20 also purchase such goods and services. All entities which  
21 contract with the State, its political units, its agencies, its  
22 public institutions or not-for-profit corporations chartered  
23 in Illinois may purchase goods or services from the Department  
24 which are used in the performance of such contracts. Nothing  
25 shall prohibit the Department from bidding on portions of a

1 State contract which are subcontracted by the primary  
2 contractor. The public may purchase crushed limestone and lime  
3 dust for agricultural and horticultural purposes and hardwood.  
4 Illinois Correctional Industries may also sell grain from its  
5 agricultural operations on the open market. All other articles,  
6 materials, industry related services, food stuffs and supplies  
7 which are produced or manufactured by persons confined in  
8 institutions and facilities of the Department shall be  
9 available for sale on the open market.

10 (b) Allocation of goods shall be made in the following  
11 manner:

12 (1) first, for needs of the Department of Corrections and  
13 the Department of Human Services;

14 (2) second, for the State, its agencies and public  
15 institutions;

16 (3) third, for those political subdivisions of the State  
17 and their agencies in which the producing institution or  
18 facility of the Department is located;

19 (4) fourth, for other political subdivisions of the State  
20 and their agencies and public institutions;

21 (5) fifth, for sale on the open market;

22 (6) sixth, for not for profit corporations chartered in  
23 Illinois;

24 (7) seventh, for units of government in other states;

25 (8) eighth, for units of the Federal government;

26 (9) ninth, for not-for-profit organizations chartered in



1 other states;

2 (10) tenth, all other permitted purchasers.

3 (c) Exemption from required purchases shall be on  
4 certification of Illinois Correctional Industries that the  
5 items to be purchased are not manufactured by Illinois  
6 Correctional Industries.

7 (Source: P.A. 86-450; 96HB1994 enrolled.)

8 Section 99. Effective date. This Act takes effect July 1,  
9 2010.