

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. The Private Correctional Facility Moratorium
5 Act is amended by changing Sections 2 and 3 as follows:

6 (730 ILCS 140/2) (from Ch. 38, par. 1582)

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

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

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

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

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