



Sen. Antonio Muñoz

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LRB097 04779 RLC 67932 a

1 AMENDMENT TO SENATE BILL 1064

2 AMENDMENT NO. _____. Amend Senate Bill 1064 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Private Correctional Facility Moratorium
5 Act is amended by changing Sections 1, 2, and 3 as follows:

6 (730 ILCS 140/1) (from Ch. 38, par. 1581)

7 Sec. 1. Short title. This Act shall be known and may be
8 cited as the Private Correctional and Detention Facility
9 Moratorium Act.

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

11 (730 ILCS 140/2) (from Ch. 38, par. 1582)

12 Sec. 2. Legislative findings. The General Assembly hereby
13 finds and declares that the management and operation of a
14 correctional or detention facility ~~or institution~~ involves
15 functions that are inherently governmental. The imposition of

1 punishment on errant citizens through incarceration or other
2 uses of detention requires the ~~State, any unit of local~~
3 ~~government or a county sheriff, to~~ exercise of its coercive
4 police powers over individuals and is thus distinguishable from
5 privatization in other areas of government. It is further found
6 that issues of liability, accountability and cost warrant a
7 prohibition of the ownership, operation or management of
8 correctional and detention facilities by for-profit private
9 contractors.

10 (Source: P.A. 97-380, eff. 1-1-12.)

11 (730 ILCS 140/3) (from Ch. 38, par. 1583)

12 Sec. 3. Certain contracts prohibited. The ~~After the~~
13 ~~effective date of this Act, the~~ State, any unit of local
14 government, any ~~or a~~ county sheriff, or any agency, officer,
15 employee, or agent thereof shall not contract with a private
16 contractor or private vendor for the provision of services
17 relating to the operation of a correctional or detention
18 facility or the incarceration of persons in the custody of the
19 Department of Corrections, the Department of Juvenile Justice,
20 ~~or~~ a sheriff, or any other governmental agency at any level of
21 government, including the government of the United States, and
22 shall not make any payment to that private contractor or
23 private vendor based on that contract; however, this Act does
24 not apply to (1) State work release centers or juvenile
25 residential facilities that provide separate care or special

1 treatment operated in whole or part by private contractors or
2 (2) contracts for ancillary services, including medical
3 services, educational services, repair and maintenance
4 contracts, or other services not directly related to the
5 ownership, management or operation of security services in a
6 correctional or detention facility.
7 (Source: P.A. 97-380, eff. 1-1-12.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."