



## 97TH GENERAL ASSEMBLY

### State of Illinois

#### 2011 and 2012

#### SB1223

Introduced 2/8/2011, by Sen. Kwame Raoul

#### SYNOPSIS AS INTRODUCED:

25 ILCS 70/2	from Ch. 63, par. 42.82
25 ILCS 70/3	from Ch. 63, par. 42.83
25 ILCS 70/4	from Ch. 63, par. 42.84
25 ILCS 70/6	from Ch. 63, par. 42.86
25 ILCS 70/7	from Ch. 63, par. 42.87
25 ILCS 70/8	from Ch. 63, par. 42.88
25 ILCS 70/9	from Ch. 63, par. 42.89

Amends the Correctional Budget and Impact Note Act. Provides that a Correctional Budget and Impact Note must be affixed to a bill that creates a new criminal offense for which a commitment to the Department of Juvenile Justice may be imposed. Provides that within 5 days after receiving the statement from the appropriate official who prepared the note and prior to second reading in the house of introduction, the sponsor shall file with the Clerk of the House or the Secretary of the Senate, as appropriate, a written statement identifying the sponsor's preferred means of funding the costs to be incurred as a result of the legislation. Provides that the required identification shall be made either by specifying (i) the additional tax or other revenue source from which an amount equal to the costs identified are to be generated or (ii) the specific line item or items in the budget for the current fiscal year that would be reduced or eliminated to reach an amount equal to the costs identified.

LRB097 07234 RLJ 47342 b

1 AN ACT concerning State government.

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

4 Section 5. The Correctional Budget and Impact Note Act is  
5 amended by changing Sections 2, 3, 4, 6, 7, 8, and 9 as  
6 follows:

7 (25 ILCS 70/2) (from Ch. 63, par. 42.82)

8 Sec. 2. Budget impact note required.

9 (a) Every bill which creates a new criminal offense for  
10 which a sentence to the Department of Corrections may be  
11 imposed; or which enhances any class or category of offense to  
12 a higher grade or penalty for which a sentence to the  
13 Department of Corrections is authorized; or which requires a  
14 mandatory commitment to the Department of Corrections, shall  
15 have prepared for it prior to second reading in the house of  
16 introduction a brief explanatory statement or note which shall  
17 include a reliable estimate of the probable impact of such bill  
18 upon the overall resident population of the Department of  
19 Corrections and the probable impact which such bill will have  
20 upon the Department's annual budget.

21 (b) Every bill that (i) creates a new criminal offense for  
22 which a commitment to the Department of Juvenile Justice or to  
23 a juvenile detention facility, sentence of probation,

1 intermediate sanctions, or community service may be imposed or  
2 (ii) enhances any class or category of offense to any grade or  
3 penalty for which adjudication, commitment, or disposition by a  
4 circuit court to the custody of a Probation and Court Services  
5 Department may result shall have prepared for it prior to  
6 second reading in the house of introduction a brief explanatory  
7 statement or note that shall include a reliable estimate of the  
8 probable impact of the bill upon the Department of Juvenile  
9 Justice, as well as the overall probation caseload Statewide  
10 and the probable impact the bill will have on staffing needs  
11 and upon the annual budgets of the Illinois Supreme Court and  
12 the counties of this State.

13 (Source: P.A. 89-198, eff. 7-21-95.)

14 (25 ILCS 70/3) (from Ch. 63, par. 42.83)

15 Sec. 3. Preparation of note.

16 (a) Upon the filing ~~request of the sponsor~~ of any bill  
17 described in subsection (a) of Section 2, the Director of ~~the~~  
18 ~~Department of~~ Corrections, or any person within the Department  
19 whom the Director may designate, shall prepare a written  
20 statement setting forth the information specified in  
21 subsection (a) of Section 2. Upon the filing ~~request of the~~  
22 ~~sponsor~~ of any bill described in subsection (b) of Section 2,  
23 the Director of Juvenile Justice and the Director of the  
24 Administrative Office of the Illinois Courts, or any person  
25 each ~~the~~ Director may designate, shall prepare a written

1 statement setting forth the information specified in  
2 subsection (b) of Section 2.

3 The statement prepared by the Director of Corrections, the  
4 Director of Juvenile Justice, or the Director of the  
5 Administrative Office of the Illinois Courts, as the case may  
6 be, shall be designated a Correctional Budget and Impact Note  
7 and shall be filed with the Clerk of the House or the Secretary  
8 of the Senate, as appropriate, and furnished to the sponsor  
9 within 10 calendar days thereafter, except that whenever,  
10 because of the complexity of the bill, additional time is  
11 required for the preparation of the note, the Department of  
12 Corrections, Department of Juvenile Justice, or Administrative  
13 Office of the Illinois Courts may so notify the sponsor and  
14 request an extension of time not to exceed 5 additional days  
15 within which such note is to be furnished. Such extension shall  
16 not extend beyond May 15 following the date of the request.

17 (b) Upon the filing of any bill requiring the preparation  
18 of a written statement under subsection (a), the sponsor of the  
19 bill in the house of introduction shall inform the Department  
20 of Corrections, the Department of Juvenile Justice, or the  
21 Administrative Office of the Illinois Courts, as appropriate,  
22 of the filing of the bill.

23 (Source: P.A. 92-16, eff. 6-28-01.)

24 (25 ILCS 70/4) (from Ch. 63, par. 42.84)

25 Sec. 4. Preferred funding source. Within 5 days after

1 receiving the statement required in Section 3 and prior to  
2 second reading in the house of introduction, the sponsor shall  
3 file with the Clerk of the House or the Secretary of the  
4 Senate, as appropriate, a written statement identifying the  
5 sponsor's preferred means of funding the costs to be incurred  
6 as a result of the legislation. The required identification  
7 shall be made either by specifying (i) the additional tax or  
8 other revenue source from which an amount equal to the costs  
9 identified are to be generated or (ii) the specific line item  
10 or items in the budget for the current fiscal year that would  
11 be reduced or eliminated to reach an amount equal to the costs  
12 identified. Whenever the sponsor of any measure is of the  
13 opinion that no Correctional Budget and Impact Note is  
14 necessary, any member of either house may thereafter request  
15 that a note be obtained, and in such case the matter shall be  
16 decided by a majority vote of those present and voting in the  
17 house of which he is a member.

18 (Source: P.A. 83-1031.)

19 (25 ILCS 70/6) (from Ch. 63, par. 42.86)

20 Sec. 6. Preparation of note. No comment or opinion shall be  
21 included in the note with regard to the merits of the measure  
22 for which the note is prepared; however technical or mechanical  
23 defects may be noted.

24 The work sheet shall include, insofar as practicable, a  
25 breakdown of the costs upon which the note is based. Such

1 breakdown shall include, but need not be limited to, costs of  
2 personnel, room and board, and capital outlay. The note shall  
3 also include such other information as is required by the rules  
4 and regulations which may be promulgated by each house of the  
5 General Assembly with respect to the preparation of such notes.

6 The note shall be prepared in quintuplicate and the  
7 original of both the note and the work sheet shall be signed by  
8 the Director of the Department of Corrections or such person as  
9 the Director may designate, or by the Director of Juvenile  
10 Justice, or such person as the Director may designate, or by  
11 the Director of the Administrative Office of the Illinois  
12 Courts, or any person the Director may designate.

13 (Source: P.A. 89-198, eff. 7-21-95.)

14 (25 ILCS 70/7) (from Ch. 63, par. 42.87)

15 Sec. 7. Committee appearance. The fact that a Correctional  
16 Budget and Impact Note is prepared for any bill shall not  
17 preclude or restrict the appearance before any committee of the  
18 General Assembly, of any official or authorized employee of any  
19 State board, commission, department, agency or other entity who  
20 desires to be heard in support of or in opposition to the  
21 measure.

22 (Source: P.A. 83-1031.)

23 (25 ILCS 70/8) (from Ch. 63, par. 42.88)

24 Sec. 8. Amendments; notes required. Whenever any measure is

1 amended on the floor of either house in such manner as to bring  
2 it within the description of bills set forth in Section 2  
3 ~~above, a majority of such house may propose that~~ no action  
4 shall be taken upon the amendment until the sponsor of the  
5 amendment presents to the members a statement of the budget (if  
6 applicable) and population impact of his or her amendment,  
7 together with a statement of the sponsor's preferred funding  
8 sources under Section 4, as required by this Act.

9 (Source: P.A. 83-1031.)

10 (25 ILCS 70/9) (from Ch. 63, par. 42.89)

11 Sec. 9. Confidentiality before introduction. The subject  
12 matter of bills submitted to the Director of ~~the Department of~~  
13 Corrections, the Director of Juvenile Justice, or the Director  
14 of the Administrative Office of the Illinois Courts shall be  
15 kept in strict confidence and no information relating thereto  
16 or relating to the budget or impact thereof shall be divulged  
17 by an official or employee of the Department or the  
18 Administrative Office of the Illinois Courts, except to the  
19 bill's sponsor or his designee, prior to the bill's  
20 introduction in the General Assembly.

21 (Source: P.A. 92-16, eff. 6-28-01.)