



Sen. Mattie Hunter

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1 AMENDMENT TO SENATE BILL 3814

2 AMENDMENT NO. _____. Amend Senate Bill 3814 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by
5 changing Section 5 as follows:

6 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

7 Sec. 5. Arrest reports.

8 (a) All policing bodies of this State shall furnish to the
9 Department, daily, in the form and detail the Department
10 requires, fingerprints, ~~and~~ descriptions, and ethnic and
11 racial background as outlined in subsection (b) of all persons
12 who are arrested on charges of violating any penal statute of
13 this State for offenses that are classified as felonies and
14 Class A or B misdemeanors and of all minors of the age of 10 and
15 over who have been arrested for an offense which would be a
16 felony if committed by an adult, and may forward such

1 fingerprints and descriptions for minors arrested for Class A
2 or B misdemeanors. Moving or nonmoving traffic violations under
3 the Illinois Vehicle Code shall not be reported except for
4 violations of Chapter 4, Section 11-204.1, or Section 11-501 of
5 that Code. In addition, conservation offenses, as defined in
6 the Supreme Court Rule 501(c), that are classified as Class B
7 misdemeanors shall not be reported. Those law enforcement
8 records maintained by the Department for minors arrested for an
9 offense prior to their 17th birthday, or minors arrested for a
10 non-felony offense, if committed by an adult, prior to their
11 18th birthday, shall not be forwarded to the Federal Bureau of
12 Investigation unless those records relate to an arrest in which
13 a minor was charged as an adult under any of the transfer
14 provisions of the Juvenile Court Act of 1987.

15 (b) Ethnic and racial background data shall be collected at
16 the point of arrest for all persons arrested. The data shall be
17 collected as outlined in subsection (c) for the purpose of
18 accuracy. If a person arrested is uncooperative or unable to
19 self-identify their ethnicity or race, or both, the officer or
20 officers making the arrest report must orally administer the
21 ethnicity questions provided in subsection (c). If the arrestee
22 is still uncooperative or unable to self-identify or answer the
23 questions, the officer or officers making the arrest reports
24 may then infer the ethnicity or race, or both, of the arrestee.

25 (c) Ethnicity self-identification forms shall be printed
26 for, provided to, and completed by each arrestee. The ethnicity

1 self-identification forms shall include the following
2 questions and answer choices:

3 (1) Are you of Hispanic, Latino, or Spanish origin?
4 (...) Yes (...) No.

5 (2) What is your race? (...) American Indian or Alaskan
6 Native; (...) Asian; (...) Black or African American; (...)
7 Native American or Other Pacific Islander; (...) White or
8 Caucasian; (...) Some other race.

9 (Source: P.A. 95-955, eff. 1-1-09; 96-328, eff. 8-11-09;
10 96-409, eff. 1-1-10; 96-707, eff. 1-1-10; 96-1000, eff.
11 7-2-10.)

12 Section 10. The Unified Code of Corrections is amended by
13 changing Sections 3-2-2 and 3-5-3 as follows:

14 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

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

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

19 (a) To accept persons committed to it by the courts of
20 this State for care, custody, treatment and
21 rehabilitation, and to accept federal prisoners and aliens
22 over whom the Office of the Federal Detention Trustee is
23 authorized to exercise the federal detention function for
24 limited purposes and periods of time.

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

16 (b-1) To create and implement, on January 1, 2002, a
17 pilot program to establish the effectiveness of
18 pupillometer technology (the measurement of the pupil's
19 reaction to light) as an alternative to a urine test for
20 purposes of screening and evaluating persons committed to
21 its custody who have alcohol or drug problems. The pilot
22 program shall require the pupillometer technology to be
23 used in at least one Department of Corrections facility.
24 The Director may expand the pilot program to include an
25 additional facility or facilities as he or she deems
26 appropriate. A minimum of 4,000 tests shall be included in

1 the pilot program. The Department must report to the
2 General Assembly on the effectiveness of the program by
3 January 1, 2003.

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

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

19 Pursuant to its power to establish new institutions and
20 facilities, the Department may authorize the Department of
21 Central Management Services to accept bids from counties
22 and municipalities for the construction, remodeling or
23 conversion of a structure to be leased to the Department of
24 Corrections for the purposes of its serving as a
25 correctional institution or facility. Such construction,
26 remodeling or conversion may be financed with revenue bonds

1 issued pursuant to the Industrial Building Revenue Bond Act
2 by the municipality or county. The lease specified in a bid
3 shall be for a term of not less than the time needed to
4 retire any revenue bonds used to finance the project, but
5 not to exceed 40 years. The lease may grant to the State
6 the option to purchase the structure outright.

7 Upon receipt of the bids, the Department may certify
8 one or more of the bids and shall submit any such bids to
9 the General Assembly for approval. Upon approval of a bid
10 by a constitutional majority of both houses of the General
11 Assembly, pursuant to joint resolution, the Department of
12 Central Management Services may enter into an agreement
13 with the county or municipality pursuant to such bid.

14 (c-5) To build and maintain regional juvenile
15 detention centers and to charge a per diem to the counties
16 as established by the Department to defray the costs of
17 housing each minor in a center. In this subsection (c-5),
18 "juvenile detention center" means a facility to house
19 minors during pendency of trial who have been transferred
20 from proceedings under the Juvenile Court Act of 1987 to
21 prosecutions under the criminal laws of this State in
22 accordance with Section 5-805 of the Juvenile Court Act of
23 1987, whether the transfer was by operation of law or
24 permissive under that Section. The Department shall
25 designate the counties to be served by each regional
26 juvenile detention center.

1 (d) To develop and maintain programs of control,
2 rehabilitation and employment of committed persons within
3 its institutions.

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

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

8 (f) To establish in cooperation with the Department of
9 Transportation to supply a sufficient number of prisoners
10 for use by the Department of Transportation to clean up the
11 trash and garbage along State, county, township, or
12 municipal highways as designated by the Department of
13 Transportation. The Department of Corrections, at the
14 request of the Department of Transportation, shall furnish
15 such prisoners at least annually for a period to be agreed
16 upon between the Director of Corrections and the Director
17 of Transportation. The prisoners used on this program shall
18 be selected by the Director of Corrections on whatever
19 basis he deems proper in consideration of their term,
20 behavior and earned eligibility to participate in such
21 program - where they will be outside of the prison facility
22 but still in the custody of the Department of Corrections.
23 Prisoners convicted of first degree murder, or a Class X
24 felony, or armed violence, or aggravated kidnapping, or
25 criminal sexual assault, aggravated criminal sexual abuse
26 or a subsequent conviction for criminal sexual abuse, or

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

12 (g) To maintain records of persons committed to it and
13 to establish programs of research, statistics and
14 planning.

15 (g-5) Ethnic and racial data of each person committed
16 to the Department of Corrections and the Department of
17 Juvenile Justice shall be collected at each of the
18 following contact points, where applicable, and included
19 in the Department's records: arrest, referral, diversion,
20 detention, petition, delinquency findings, probation,
21 secure confinement, and transfer from juvenile to adult
22 court. The ethnic and racial data of each person shall be
23 collected in accordance with subsections (b) and (c) of
24 Section 5 of the Criminal Identification Act.

25 (h) To investigate the grievances of any person
26 committed to the Department, to inquire into any alleged

1 misconduct by employees or committed persons, and to
2 investigate the assets of committed persons to implement
3 Section 3-7-6 of this Code; and for these purposes it may
4 issue subpoenas and compel the attendance of witnesses and
5 the production of writings and papers, and may examine
6 under oath any witnesses who may appear before it; to also
7 investigate alleged violations of a parolee's or
8 releasee's conditions of parole or release; and for this
9 purpose it may issue subpoenas and compel the attendance of
10 witnesses and the production of documents only if there is
11 reason to believe that such procedures would provide
12 evidence that such violations have occurred.

13 If any person fails to obey a subpoena issued under
14 this subsection, the Director may apply to any circuit
15 court to secure compliance with the subpoena. The failure
16 to comply with the order of the court issued in response
17 thereto shall be punishable as contempt of court.

18 (i) To appoint and remove the chief administrative
19 officers, and administer programs of training and
20 development of personnel of the Department. Personnel
21 assigned by the Department to be responsible for the
22 custody and control of committed persons or to investigate
23 the alleged misconduct of committed persons or employees or
24 alleged violations of a parolee's or releasee's conditions
25 of parole shall be conservators of the peace for those
26 purposes, and shall have the full power of peace officers

1 outside of the facilities of the Department in the
2 protection, arrest, retaking and reconfining of committed
3 persons or where the exercise of such power is necessary to
4 the investigation of such misconduct or violations.

5 (j) To cooperate with other departments and agencies
6 and with local communities for the development of standards
7 and programs for better correctional services in this
8 State.

9 (k) To administer all moneys and properties of the
10 Department.

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

13 (l-5) In a confidential annual report to the Governor,
14 the Department shall identify all inmate gangs by
15 specifying each current gang's name, population and allied
16 gangs. The Department shall further specify the number of
17 top leaders identified by the Department for each gang
18 during the past year, and the measures taken by the
19 Department to segregate each leader from his or her gang
20 and allied gangs. The Department shall further report the
21 current status of leaders identified and segregated in
22 previous years. All leaders described in the report shall
23 be identified by inmate number or other designation to
24 enable tracking, auditing, and verification without
25 revealing the names of the leaders. Because this report
26 contains law enforcement intelligence information

1 collected by the Department, the report is confidential and
2 not subject to public disclosure.

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

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

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

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

20 (q) To establish a diversion program.

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

1 release or while committed to work release.

2 Elements of the program shall include, but shall not be
3 limited to, the following:

4 (1) The staff of a diversion facility shall provide
5 supervision in accordance with required objectives set
6 by the facility.

7 (2) Participants shall be required to maintain
8 employment.

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

12 (4) Each participant shall:

13 (A) provide restitution to victims in
14 accordance with any court order;

15 (B) provide financial support to his
16 dependents; and

17 (C) make appropriate payments toward any other
18 court-ordered obligations.

19 (5) Each participant shall complete community
20 service in addition to employment.

21 (6) Participants shall take part in such
22 counseling, educational and other programs as the
23 Department may deem appropriate.

24 (7) Participants shall submit to drug and alcohol
25 screening.

26 (8) The Department shall promulgate rules

1 governing the administration of the program.

2 (r) To enter into intergovernmental cooperation
3 agreements under which persons in the custody of the
4 Department may participate in a county impact
5 incarceration program established under Section 3-6038 or
6 3-15003.5 of the Counties Code.

7 (r-5) (Blank).

8 (r-10) To systematically and routinely identify with
9 respect to each streetgang active within the correctional
10 system: (1) each active gang; (2) every existing inter-gang
11 affiliation or alliance; and (3) the current leaders in
12 each gang. The Department shall promptly segregate leaders
13 from inmates who belong to their gangs and allied gangs.
14 "Segregate" means no physical contact and, to the extent
15 possible under the conditions and space available at the
16 correctional facility, prohibition of visual and sound
17 communication. For the purposes of this paragraph (r-10),
18 "leaders" means persons who:

19 (i) are members of a criminal streetgang;

20 (ii) with respect to other individuals within the
21 streetgang, occupy a position of organizer,
22 supervisor, or other position of management or
23 leadership; and

24 (iii) are actively and personally engaged in
25 directing, ordering, authorizing, or requesting
26 commission of criminal acts by others, which are

1 punishable as a felony, in furtherance of streetgang
2 related activity both within and outside of the
3 Department of Corrections.

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

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

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

23 As used in this subdivision (1)(t), "unprivileged
24 conversation" or "unprivileged communication" means a
25 conversation or communication that is not protected by any
26 privilege recognized by law or by decision, rule, or order

1 of the Illinois Supreme Court.

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

7 (u-5) To issue an order, whenever a person committed to
8 the Department absconds or absents himself or herself,
9 without authority to do so, from any facility or program to
10 which he or she is assigned. The order shall be certified
11 by the Director, the Supervisor of the Apprehension Unit,
12 or any person duly designated by the Director, with the
13 seal of the Department affixed. The order shall be directed
14 to all sheriffs, coroners, and police officers, or to any
15 particular person named in the order. Any order issued
16 pursuant to this subdivision (1) (u-5) shall be sufficient
17 warrant for the officer or person named in the order to
18 arrest and deliver the committed person to the proper
19 correctional officials and shall be executed the same as
20 criminal process.

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

23 (2) The Department of Corrections shall by January 1, 1998,
24 consider building and operating a correctional facility within
25 100 miles of a county of over 2,000,000 inhabitants, especially
26 a facility designed to house juvenile participants in the

1 impact incarceration program.

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

10 (4) When the Department lets bids for contracts for food or
11 commissary services to be provided to Department facilities,
12 the bid may only be let to a food or commissary services
13 provider that has obtained an irrevocable letter of credit or
14 performance bond issued by a company whose bonds are rated AAA
15 by a bond rating organization.

16 (Source: P.A. 96-1265, eff. 7-26-10.)

17 (730 ILCS 5/3-5-3) (from Ch. 38, par. 1003-5-3)

18 Sec. 3-5-3. Annual and other Reports.

19 (a) The Director shall make an annual report to the
20 Governor under Section 5-650 of the Departments of State
21 Government Law (20 ILCS 5/5-650), concerning the state, ~~and~~
22 condition, and ethnic background of all persons committed to
23 the Department, its institutions, facilities and programs, of
24 all moneys expended and received, and on what accounts expended
25 and received. The report may also include an abstract of all

1 reports made to the Department by individual institutions,
2 facilities or programs during the preceding year.

3 (b) The Director shall make an annual report to the
4 Governor and to the State Legislature on any inadequacies in
5 the institutions, facilities or programs of the Department and
6 also such amendments to the laws of the State which in his
7 judgment are necessary in order to best advance the purposes of
8 this Code.

9 (c) The Director may require such reports from division
10 administrators, chief administrative officers and other
11 personnel as he deems necessary for the administration of the
12 Department.

13 (d) The Department of Corrections shall, by January 1,
14 1990, January 1, 1991, and every 2 years thereafter, transmit
15 to the Governor and the General Assembly a 5 year long range
16 planning document for adult female offenders under the
17 Department's supervision. The document shall detail how the
18 Department plans to meet the housing, educational/training,
19 Correctional Industries and programming needs of the
20 escalating adult female offender population.

21 (Source: P.A. 91-239, eff. 1-1-00.)".