



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB5658

by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

730 ILCS 140/1	from Ch. 38, par. 1581
730 ILCS 140/1.5 new	
730 ILCS 140/2	from Ch. 38, par. 1582
730 ILCS 140/3	from Ch. 38, par. 1583

Amends the Private Correctional Facility Moratorium Act. Changes the title of the Act to the For-Profit Corrections Prohibition Act. Defines "non-profit contractor", "private company", "private vendor", "private contractor", and "work release center". Provides that the State, any unit of local government, or a county sheriff, shall not contract with a private contractor or private vendor for the provision of services relating to community correctional supervision. Provides that the Act does not apply to State work release centers or juvenile residential facilities that provide separate care or special treatment operated in whole or part by non-profit (rather than private) contractors. Adds to exempted contracts for ancillary services contracts for electronic monitoring services.

LRB098 18582 MRW 55696 b

1 AN ACT concerning criminal law.

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 1, 2, and 3 and adding  
6 Section 1.5 as follows:

7 (730 ILCS 140/1) (from Ch. 38, par. 1581)

8 Sec. 1. Short title. This Act ~~shall be known and~~ may be  
9 cited as the For-Profit Corrections Prohibition Private  
10 Correctional Facility Moratorium Act.

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

12 (730 ILCS 140/1.5 new)

13 Sec. 1.5. Definitions. As used in this Act:

14 "Non-profit contractor" means an entity organized and  
15 operating as a not-for-profit entity which provides  
16 contractual services to federal, State, or local units of  
17 government.

18 "Private company", "private vendor", or "private  
19 contractor" means a for-profit corporation or business entity  
20 not organized or operating as a not-for-profit entity.

21 "Work release center" means a facility contracted by a unit  
22 of federal, State, or local government that provides post

1 corrections or incarceration employment, educational, or  
2 substance or alcohol abuse supportive re-entry services to  
3 ex-offenders.

4 (730 ILCS 140/2) (from Ch. 38, par. 1582)

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

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

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  
23 county sheriff, shall not contract with a private contractor or  
24 private vendor for the provision of services relating to

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

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