

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 1. Legislative findings and intent. The General  
5 Assembly finds that the ability of an individual incarcerated  
6 to maintain contact with the community and family is critical  
7 to a successful re-entry after release from prison. In  
8 addition, many incarcerated people are parents. Communication  
9 has been proven essential to the healthy development of their  
10 children. Many people are incarcerated far away from where  
11 their family and friends reside, which in some cases may be a  
12 country outside the United States. Telephone calls are  
13 frequently the only method available to maintain vital contact  
14 with loved ones. The purpose of this legislation is to ensure  
15 that people incarcerated can maintain contact with their loved  
16 ones without creating an undue burden on the person  
17 incarcerated or the recipient of phone calls. The General  
18 Assembly intends that when determining the best value of a  
19 telephone service, the lowest possible cost to the telephone  
20 user shall be emphasized.

21 Section 5. The Unified Code of Corrections is amended by  
22 changing Section 3-4-1 as follows:

1 (730 ILCS 5/3-4-1) (from Ch. 38, par. 1003-4-1)

2 Sec. 3-4-1. Gifts and Grants; Special Trusts Funds;  
3 Department of Corrections Reimbursement and Education Fund.

4 (a) The Department may accept, receive and use, for and in  
5 behalf of the State, any moneys, goods or services given for  
6 general purposes of this Code by the federal government or from  
7 any other source, public or private, including collections from  
8 inmates and ~~reimbursement of payments under the Workers'~~  
9 ~~Compensation Act, and commissions from inmate collect call~~  
10 ~~telephone systems under an agreement with the Department of~~  
11 ~~Central Management Services.~~ For these purposes the Department  
12 may comply with such conditions and enter into such agreements  
13 upon such covenants, terms, and conditions as the Department  
14 may deem necessary or desirable, if the agreement is not in  
15 conflict with State law.

16 (a-5) Any commissions or revenues for the provision of pay  
17 telephones in institutions and facilities of the Department of  
18 Corrections and the Department of Juvenile Justice for those  
19 incarcerated are prohibited. The Department of Central  
20 Management Services shall contract with the qualified vendor  
21 who proposes the lowest per minute rate not exceeding 5 cents  
22 per minute for debit, prepaid, collect calls and who does not  
23 bill to any party any service charge or additional fee  
24 exceeding the per minute rate, including, but not limited to,  
25 any per call surcharge, account set up fee, bill statement fee,  
26 monthly account maintenance charge, or refund fee, as

1 established by the Federal Communications Commission Order for  
2 state prisons in the Matter of Rates for Interstate Inmate  
3 Calling Services, Second Report and Order, WC Docket 12-375,  
4 FCC 15-136 (adopted Oct. 22, 2015). Telephone services made  
5 available through a prepaid or collect call system shall  
6 include international calls; those calls shall be made  
7 available at reasonable rates subject to Federal  
8 Communications Commission rules and regulations, but not to  
9 exceed 23 cents per minute. This amendatory Act of the 99th  
10 General Assembly applies to any new or renewal contract for  
11 inmate calling services.

12 (b) On July 1, 1998, the Department of Corrections  
13 Reimbursement Fund and the Department of Corrections Education  
14 Fund shall be combined into a single fund to be known as the  
15 Department of Corrections Reimbursement and Education Fund,  
16 which is hereby created as a special fund in the State  
17 Treasury. The moneys deposited into the Department of  
18 Corrections Reimbursement and Education Fund shall be  
19 appropriated to the Department of Corrections for the expenses  
20 of the Department.

21 The following shall be deposited into the Department of  
22 Corrections Reimbursement and Education Fund:

23 (i) Moneys received or recovered by the Department of  
24 Corrections as reimbursement for expenses incurred for the  
25 incarceration of committed persons.

26 (ii) Moneys received or recovered by the Department as

1 reimbursement of payments made under the Workers'  
2 Compensation Act.

3 (iii) (Blank). ~~Moneys received by the Department as~~  
4 ~~commissions from inmate collect call telephone systems.~~

5 (iv) Moneys received or recovered by the Department as  
6 reimbursement for expenses incurred by the employment of  
7 persons referred to the Department as participants in the  
8 federal Job Training Partnership Act programs.

9 (v) Federal moneys, including reimbursement and  
10 advances for services rendered or to be rendered and moneys  
11 for other than educational purposes, under grant or  
12 contract.

13 (vi) Moneys identified for deposit into the Fund under  
14 Section 13-44.4 of the School Code.

15 (vii) Moneys in the Department of Corrections  
16 Reimbursement Fund and the Department of Corrections  
17 Education Fund at the close of business on June 30, 1998.

18 (Source: P.A. 90-9, eff. 7-1-97; 90-587, eff. 7-1-98.)

19 Section 99. Effective date. This Act takes effect January  
20 1, 2017.