

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, 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) Beginning January 1, 2018, the Department of Central
17 Management Services shall contract with the qualified vendor
18 who proposes the lowest per minute rate not exceeding 7 cents
19 per minute for debit, prepaid, collect calls and who does not
20 bill to any party any tax, service charge, or additional fee
21 exceeding the per minute rate, including, but not limited to,
22 any per call surcharge, account set up fee, bill statement fee,
23 monthly account maintenance charge, or refund fee as
24 established by the Federal Communications Commission Order for
25 state prisons in the Matter of Rates for Interstate Inmate
26 Calling Services, Second Report and Order, WC Docket 12-375,

1 FCC 15-136 (adopted Oct. 22, 2015). Telephone services made
2 available through a prepaid or collect call system shall
3 include international calls; those calls shall be made
4 available at reasonable rates subject to Federal
5 Communications Commission rules and regulations, but not to
6 exceed 23 cents per minute. This amendatory Act of the 99th
7 General Assembly applies to any new or renewal contract for
8 inmate calling services.

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

18 The following shall be deposited into the Department of
19 Corrections Reimbursement and Education Fund:

20 (i) Moneys received or recovered by the Department of
21 Corrections as reimbursement for expenses incurred for the
22 incarceration of committed persons.

23 (ii) Moneys received or recovered by the Department as
24 reimbursement of payments made under the Workers'
25 Compensation Act.

26 (iii) Moneys received by the Department as commissions

1 from inmate collect call telephone systems.

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

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

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

12 (vii) Moneys in the Department of Corrections
13 Reimbursement Fund and the Department of Corrections
14 Education Fund at the close of business on June 30, 1998.

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

16 Section 99. Effective date. This Act takes effect January
17 1, 2017.