

1                    AMENDMENT TO SENATE BILL 1982

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1982 by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The Unified Code of Corrections is amended  
5 by changing Sections 3-4-3 and 3-7-2a as follows:

6            (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

7            Sec. 3-4-3. Funds and Property of Persons Committed.

8            (a) The Department shall establish accounting records  
9 with accounts for each person who has or receives money while  
10 in an institution or facility of the Department and it shall  
11 allow the withdrawal and disbursement of money by the person  
12 under rules and regulations of the Department. Any interest  
13 or other income from moneys deposited with the Department by  
14 a resident of the Juvenile Division in excess of \$200 shall  
15 accrue to the individual's account, or in balances up to \$200  
16 shall accrue to the Residents' Benefit Fund. For an  
17 individual in an institution or facility of the Adult  
18 Division the interest shall accrue to the Residents' Benefit  
19 Fund. The Department shall disburse all moneys so held no  
20 later than the person's final discharge from the Department.  
21 Moneys in the account of a committed person who files a  
22 lawsuit determined frivolous under Article XXII of the Code

1 of Civil Procedure shall be deducted to pay for the filing  
2 fees and cost of the suit as provided in that Article. The  
3 Department shall under rules and regulations record and  
4 receipt all personal property not allowed to committed  
5 persons. The Department shall return such property to the  
6 individual no later than the person's release on parole.

7 (b) Any money held in accounts of committed persons  
8 separated from the Department by death, discharge, or  
9 unauthorized absence and unclaimed for a period of 1 year  
10 thereafter by the person or his legal representative shall be  
11 transmitted to the State Treasurer who shall deposit it into  
12 the General Revenue Fund. Articles of personal property of  
13 persons so separated may be sold or used by the Department if  
14 unclaimed for a period of 1 year for the same purpose.  
15 Clothing, if unclaimed within 30 days, may be used or  
16 disposed of as determined by the Department.

17 (c) Ten percent of the profits on sales from commissary  
18 stores shall be expended by the Department for the special  
19 benefit of committed persons which shall include but not be  
20 limited to the advancement of inmate payrolls, for the  
21 special benefit of employees, and for the advancement or  
22 reimbursement of employee travel, provided that amounts  
23 expended for employees shall not exceed the amount of profits  
24 derived from sales made to employees by such commissaries, as  
25 determined by the Department. The remainder of the profits  
26 from sales from commissary stores must be used to pay for  
27 wages and benefits of employees covered under a collective  
28 bargaining agreement who are employed at commissary  
29 facilities of the Department.

30 (d) The Department shall confiscate any unauthorized  
31 currency found in the possession of a committed person. The  
32 Department shall transmit the confiscated currency to the  
33 State Treasurer who shall deposit it into the General Revenue  
34 Fund.

1 (Source: P.A. 89-689, eff. 12-31-96; 90-505, eff. 8-19-97.)

2 (730 ILCS 5/3-7-2a) (from Ch. 38, par. 1003-7-2a)

3 Sec. 3-7-2a. If a facility maintains a commissary or  
4 commissaries, the selling prices for all goods shall be  
5 sufficient to cover the costs of the goods and an additional  
6 charge of up to 35% for tobacco products and up to 25% for  
7 non-tobacco products. The amount of the additional charges  
8 for goods sold at commissaries shall be based upon the amount  
9 necessary to pay for the wages and benefits of commissary  
10 employees who are employed in commissary facilities of the  
11 Department. The Department shall determine the additional  
12 charges upon any changes in wages and benefits of commissary  
13 employees as negotiated in the collective bargaining  
14 agreement from 3% through 10%. A compliance audit of all  
15 commissaries and the distribution of commissary funds shall  
16 be included in the regular compliance audit of the Department  
17 conducted by the Auditor General in accordance with the  
18 Illinois State Auditing Act.

19 Items purchased for sale at any such commissary shall be  
20 purchased, wherever possible, at wholesale costs.

21 (Source: P.A. 82-652.)".