

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Unified Code of Corrections is amended
5 by changing Section 3-7-6 as follows:

6 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)

7 Sec. 3-7-6. Reimbursement for expenses.

8 (a) Responsibility of committed persons. Committed
9 ~~Convicted~~ ~~persons~~ ~~committed--to-the-Department-correctional~~
10 ~~institutions-or-facilities~~ shall be responsible to reimburse
11 the Department for the expenses incurred by their
12 incarceration at a rate to be determined by the Department in
13 accordance with this Section.

14 (1) Committed persons shall fully cooperate with
15 the Department by providing complete financial
16 information for the purposes under this Section.

17 (2) The failure of a committed person to fully
18 cooperate as provided for in clauses (3) and (4) of
19 subsection (a-5) shall be considered for purposes of a
20 parole determination. Any committed person who willfully
21 refuses to cooperate with the obligations set forth in
22 this Section may be subject to the loss of good conduct
23 credit towards his or her sentence of up to 180 days.

24 (a-5) Assets information form.

25 (1) The Department shall develop a form, which
26 shall be used by the Department to obtain information
27 from all committed persons regarding assets of the
28 persons.

29 (2) In order to enable the Department to determine
30 the financial status of the committed person, the form
31 shall provide for obtaining the age and marital status of

1 a committed person, the number and ages of children of
 2 the person, the number and ages of other dependents, the
 3 type and value of real estate, the type and value of
 4 personal property, cash and bank accounts, the location
 5 of any lock boxes, the type and value of investments,
 6 pensions and annuities and any other personalty of
 7 significant cash value, including but not limited to
 8 jewelry, art work and collectables, and all medical or
 9 dental insurance policies covering the committed person.
 10 The form may also provide for other information deemed
 11 pertinent by the Department in the investigation of a
 12 committed person's assets.

13 (3) Upon being developed, the form shall be
 14 submitted to each committed person as of the date the
 15 form is developed and to every committed person who
 16 thereafter is sentenced to imprisonment under the
 17 jurisdiction of the Department. The form may be
 18 resubmitted to a committed person by the Department for
 19 purpose of obtaining current information regarding the
 20 assets of the person.

21 (4) Every committed person shall complete the form
 22 or provide for completion of the form and the committed
 23 person shall swear under oath or affirm that to the best
 24 of his or her knowledge the information provided is
 25 complete and accurate.

26 (b) Expenses. The rate at which sums to be charged for
 27 the expenses incurred by a committed convicted person
 28 ~~committed---to---Department---correctional---institutions--or~~
 29 ~~faeilities~~ for his or her confinement ~~inearceration~~ shall be
 30 computed by the Department as the average per capita cost per
 31 day for all inmates of that institution or facility for that
 32 fiscal year. The average per capita cost per day shall be
 33 computed by the Department based on the average per capita
 34 cost per day for the operation of that institution or

1 facility for the fiscal year immediately preceding the period
2 of incarceration for which the rate is being calculated. The
3 Department shall establish rules and regulations providing
4 for the computation of the above costs, and shall determine
5 the average per capita cost per day for each of its
6 institutions or facilities for each fiscal year. The
7 Department shall have the power to modify its rules and
8 regulations, so as to provide for the most accurate and most
9 current average per capita cost per day computation. Where
10 the committed convicted person is placed in a facility
11 outside the Department, the Department may pay the actual
12 cost of services in that facility, and may collect
13 reimbursement for the entire amount paid from the committed
14 convicted person receiving those services.

15 (c) Records. The records of the Department, including,
16 but not limited to, those relating to: the average per capita
17 cost per day for a particular institution or facility for a
18 particular year, and the calculation of the average per
19 capita cost per day; the average daily population of a
20 particular Department correctional institution or facility
21 for a particular year; the specific placement of a particular
22 committed convicted person in various Department correctional
23 institutions or facilities for various periods of time; and
24 the record of transactions of a particular committed
25 convicted person's trust account under Section 3-4-3 of this
26 Act; may be proved in any legal proceeding, by a reproduced
27 copy thereof or by a computer printout of Department records,
28 under the certificate of the Director. If reproduced copies
29 are used, the Director must certify that those are true and
30 exact copies of the records on file with the Department. If
31 computer printouts of records of the Department are offered
32 as proof, the Director must certify that those computer
33 printouts are true and exact representations of records
34 properly entered into standard electronic computing

1 equipment, in the regular course of the Department's
2 business, at or reasonably near the time of the occurrence of
3 the facts recorded, from trustworthy and reliable
4 information. The reproduced copy or computer printout shall,
5 without further proof, be admitted into evidence in any legal
6 proceeding, and shall be prima facie correct and prima facie
7 evidence of the accuracy of the information contained
8 therein.

9 (d) Authority. The Director, or the Director's
10 designee, may, when he or she knows or reasonably believes
11 that a committed ~~convicted~~ person ~~committed-to-the-Department~~
12 ~~correctional-institutions-or-facilities~~, or the estate of
13 that person, has assets which may be used to satisfy all or
14 part of a judgment rendered under this Act, or when he or she
15 knows or reasonably believes that a committed ~~convicted~~
16 person ~~committed-to-the-Department-correctional-institutions~~
17 ~~or-facilities~~ is engaged in gang-related activity and has a
18 substantial sum of money or other assets, provide for the
19 forwarding to the Attorney General of a report on the
20 committed person and that report shall contain a completed
21 form under subsection (a-5) together with all other
22 information available concerning the assets of the committed
23 person and an estimate of the total expenses for that
24 committed person, and authorize the Attorney General to
25 institute proceedings to require the persons, or the estates
26 of the persons, to reimburse the Department for the expenses
27 incurred by their incarceration. The Attorney General, upon
28 authorization of the Director, or the Director's designee,
29 shall institute actions on behalf of the Department and
30 pursue claims on the Department's behalf in probate and
31 bankruptcy proceedings, to recover from committed ~~convicted~~
32 persons ~~committed--to-Department-correctional-facilities~~ the
33 expenses incurred by their confinement. For purposes of this
34 subsection (d), "gang-related" activity has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 (e) Scope and limitations.

4 (1) No action under this Section shall be initiated
5 more than 2 years after the release or death of the
6 committed convicted person in question.

7 (2) The death of a convicted person, by execution
8 or otherwise, while committed to a Department
9 correctional institution or facility shall not act as a
10 bar to any action or proceeding under this Section.

11 (3) The assets of a committed convicted person, for
12 the purposes of this Section, shall include any property,
13 tangible or intangible, real or personal, belonging to or
14 due to a committed or formerly committed person including
15 income or payments to the person from social security,
16 worker's compensation, veteran's compensation, pension
17 benefits, or from any other source whatsoever and any and
18 all assets and property of whatever character held in the
19 name of the person, held for the benefit of the person,
20 or payable or otherwise deliverable to the person. Any
21 trust, or portion of a trust, of which a convicted person
22 is a beneficiary, shall be construed as an asset of the
23 person, to the extent that benefits thereunder are
24 required to be paid to the person, or shall in fact be
25 paid to the person. At the time of a legal proceeding by
26 the Attorney General under this Section, if it appears
27 that the committed person has any assets which ought to
28 be subjected to the claim of the Department under this
29 Section, the court may issue an order requiring any
30 person, corporation, or other legal entity possessed or
31 having custody of those assets to appropriate any of the
32 assets or a portion thereof toward reimbursing the
33 Department as provided for under this Section. No
34 provision of this Section shall be construed in violation

1 of any State or federal limitation on the collection of
2 money judgments.

3 (4) Nothing in this Section shall preclude the
4 Department from applying federal benefits that are
5 specifically provided for the care and treatment of a
6 committed convicted person toward the cost of care
7 provided by a State facility or private agency.

8 (Source: P.A. 89-428, eff. 12-13-95; 89-688, eff. 6-1-97;
9 90-85, eff. 7-10-97.)