

AN ACT concerning criminal law.

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

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

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

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

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

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

(a-5) Beginning January 1, 2018, the Department of Central Management Services shall contract with the qualified vendor who proposes the lowest per minute rate not exceeding 7 cents per minute for debit, prepaid, collect calls and who does not bill to any party any tax, service charge, or additional fee exceeding the per minute rate, including, but not limited to, any per call surcharge, account set up fee, bill statement fee, monthly account maintenance charge, or refund fee as established by the Federal Communications Commission Order for state prisons in the Matter of Rates for Interstate Inmate Calling Services, Second Report and Order, WC Docket 12-375,

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

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

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

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

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

(iii) Moneys received by the Department as commissions

from inmate collect call telephone systems.

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

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

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

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

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

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