

Public Act 101-0020

HB2040 Enrolled

LRB101 07762 SLF 52811 b

AN ACT concerning criminal law.

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

Section 1. Short title. This Act may be cited as the
Private Detention Facility Moratorium Act.

Section 5. Legislative findings. The General Assembly
hereby finds and declares that the management and operation of
any detention facility involves functions that are inherently
governmental. Detention requires the exercise of coercive
police powers over individuals that should not be delegated to
the private sector and is distinguishable from privatization in
other areas of government. It is further found that issues of
liability, accountability, and cost warrant a prohibition of
the ownership, operation, or management of detention
facilities by private contractors within the State to the
fullest extent permitted under State law.

Section 10. Definitions. In this Act:

"Detention facility" means any building, facility, or
structure used to detain individuals, not including State work
release centers or juvenile or adult residential treatment
facilities.

Section 15. Certain agreements and incentives prohibited.

Neither the State, nor any unit of local government, any county
sheriff, or any agency, officer, employee, or agent thereof,
shall:

- (1) enter into an agreement of any kind for the detention
of individuals in a detention facility owned, managed, or
operated, in whole or in part, by a private entity;
- (2) pay, reimburse, subsidize, or defray in any way any
costs related to the sale, purchase, construction,
development, ownership, management, or operation of a
detention facility that is or will be owned, managed, or
operated, in whole or in part, by a private entity;
- (3) receive per diem, per detainee, or any other payment
related to the detention of individuals in a detention facility
owned, managed, or operated, in whole or in part, by a private
entity; or
- (4) otherwise give any financial incentive or benefit to
any private entity or person in connection with the sale,
purchase, construction, development, ownership, management, or

operation of a detention facility that is or will be owned, managed, or operated, in whole or in part, by a private entity.

Section 20. Exemptions. This Act does not prohibit the State, a unit of local government, or any sheriff that owns, manages, or operates a detention facility from contracting with a private entity or person to provide ancillary services in that facility, such as, medical services, food service, educational services, or facility repair and maintenance.

Section 25. Applicability. In case of any conflict between this Act and any other law, this Act shall control.

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law.