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 Isolated Confinement Restriction Act.

Section 5. Definitions. In this Act:

"Correctional facility" means any State correctional facility or county correctional facility, and any State, county or private facility detaining persons under any intergovernmental service agreement or other contract with any State, county, or federal agency, including, but not limited to, United States Immigration and Customs Enforcement.

"Facility administrator" means the chief operating officer, senior administrative designee, or warden of a correctional facility.

"Isolated confinement" means confinement of a committed person in a correctional facility in a cell or confined living space, alone or with other inmates, for more than 20 hours in any 24-hour period.

"Protective custody" means confinement of a committed person in a cell or confined living space under conditions necessary to protect the committed person or others.
Section 10. Restrictions on the use of isolated confinement.

(a) Except as provided in subsection (b) of this Section, the use of isolated confinement in correctional facilities in this State shall be restricted as follows:

(1) A committed person may not be placed in isolated confinement for more than 10 consecutive days.

(2) A committed person may not be placed in isolated confinement for more than 10 days in any 180-day period.

(3) While out of cell, committed persons may have access to activities, including but not limited to: job assignments, educational classes, vocational classes, meals, recreation, yard or gymnasium, day room, medical appointments, visits, and group therapy.

(b) Isolated confinement shall be permitted if the facility administrator determines that a committed person should be placed in protective custody. The facility administrator's use of protective custody is limited as follows:

(1) The committed person may be placed in protective custody only with informed, voluntary written consent of the committed person.

(2) A committed person in protective custody may opt out of that status by providing informed, voluntary, written refusal of that status.

(c) Nothing in this Act is intended to restrict any rights or privileges a committed person may have under any other
Section 15. Data publication. The Department of Corrections shall post on the Department's official website quarterly reports on the use of isolated confinement. Those reports shall include data on the use of isolated confinement by age, sex, gender identity, ethnicity, incidence of mental illness, and type of confinement status, at each facility; these reports shall include the population on the last day of each quarter and a non-duplicative cumulative count of persons exposed to isolated confinement for each fiscal year. These reports shall include the incidence of emergency confinement, self-harm, suicide, and assault in any isolated confinement unit, as well as explanations for each instance of facility-wide lockdown. These reports shall include data on the access to health care, including the time it takes for a confined person to access medical care following a request and the time between routine mental and physical checkups. These reports shall not include personally identifiable information regarding any committed person.

Section 105. The Unified Code of Corrections is amended by changing Section 3-8-7 as follows:

(730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)
Sec. 3-8-7. Disciplinary Procedures.
(a) All disciplinary action shall be consistent with this Chapter. Rules of behavior and conduct, the penalties for violation thereof, and the disciplinary procedure by which such penalties may be imposed shall be available to committed persons.

(b)(1) Corporal punishment and disciplinary restrictions on diet, medical or sanitary facilities, mail or access to legal materials are prohibited.

(2) (Blank).

(3) (Blank).

(c) Review of disciplinary action imposed under this Section shall be provided by means of the grievance procedure under Section 3-8-8. The Department shall provide a disciplined person with a review of his or her disciplinary action in a timely manner as required by law.

(d) All institutions and facilities of the Department of Corrections shall establish, subject to the approval of the Director, procedures for hearing disciplinary cases except those that may involve the imposition of disciplinary segregation and isolation; the loss of good time credit under Section 3-6-3 or eligibility to earn good time credit.

(e) In disciplinary cases which may involve the imposition of disciplinary segregation and isolation, the loss of good time credit or eligibility to earn good time credit, the Director shall establish disciplinary procedures consistent with the following principles:
(1) Any person or persons who initiate a disciplinary charge against a person shall not determine the disposition of the charge. The Director may establish one or more disciplinary boards to hear and determine charges.

(2) Any committed person charged with a violation of Department rules of behavior shall be given notice of the charge including a statement of the misconduct alleged and of the rules this conduct is alleged to violate.

(3) Any person charged with a violation of rules is entitled to a hearing on that charge at which time he shall have an opportunity to appear before and address the person or persons deciding the charge.

(4) The person or persons determining the disposition of the charge may also summon to testify any witnesses or other persons with relevant knowledge of the incident.

(5) If the charge is sustained, the person charged is entitled to a written statement of the decision by the persons determining the disposition of the charge which shall include the basis for the decision and the disciplinary action, if any, to be imposed.

(6) (Blank).

(f) In disciplinary cases which may involve the imposition of segregation and isolation, isolated confinement, or restrictive housing, the Director shall establish disciplinary procedures consistent with the Isolated Confinement Restriction Act.
Section 999. Effective date. This Act takes effect January 1, 2018, except that this Section and Section 15 take effect upon becoming law.