

HB0391



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0391

by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-10-8

from Ch. 38, par. 1003-10-8

Amends the Unified Code of Corrections. Provides that no person committed to the Department of Juvenile Justice may be isolated for disciplinary reasons for more than 15 consecutive days (rather than 7 consecutive days) nor more than 30 days (rather than 15 days) out of any 45 day period (rather than 30 day period) except in cases of violence or attempted violence committed against another person or property when an additional period of isolation for disciplinary reasons is approved by the chief administrative officer. Effective immediately.

LRB100 05441 SLF 15452 b

A BILL FOR

1 AN ACT concerning 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 by
5 changing Section 3-10-8 as follows:

6 (730 ILCS 5/3-10-8) (from Ch. 38, par. 1003-10-8)

7 Sec. 3-10-8. Discipline.→

8 (a)(1) Corporal punishment and disciplinary restrictions
9 on diet, medical or sanitary facilities, clothing, bedding or
10 mail are prohibited, as are reductions in the frequency of use
11 of toilets, washbowls and showers.

12 (2) Disciplinary restrictions on visitation, work,
13 education or program assignments, the use of toilets, washbowls
14 and showers shall be related as closely as practicable to abuse
15 of such privileges or facilities. This paragraph shall not
16 apply to segregation or isolation of persons for purposes of
17 institutional control.

18 (3) No person committed to the Department of Juvenile
19 Justice may be isolated for disciplinary reasons for more than
20 15 ~~7~~ consecutive days nor more than 30 ~~45~~ days out of any 45 ~~30~~
21 day period except in cases of violence or attempted violence
22 committed against another person or property when an additional
23 period of isolation for disciplinary reasons is approved by the

1 chief administrative officer. A person who has been isolated
2 for 24 hours or more shall be interviewed daily by his staff
3 counselor or other staff member.

4 (b) The Department of Juvenile Justice shall establish
5 rules and regulations governing disciplinary practices, the
6 penalties for violation thereof, and the disciplinary
7 procedure by which such penalties may be imposed. The rules of
8 behavior shall be made known to each committed person, and the
9 discipline shall be suited to the infraction and fairly
10 applied.

11 (c) All disciplinary action imposed upon persons in
12 institutions and facilities of the Department of Juvenile
13 Justice shall be consistent with this Section and Department
14 rules and regulations adopted hereunder.

15 (d) Disciplinary action imposed under this Section shall be
16 reviewed by the grievance procedure under Section 3-8-8.

17 (e) A written report of any infraction for which discipline
18 is imposed shall be filed with the chief administrative officer
19 within 72 hours of the occurrence of the infraction or the
20 discovery of it and such report shall be placed in the file of
21 the institution or facility.

22 (f) All institutions and facilities of the Department of
23 Juvenile Justice shall establish, subject to the approval of
24 the Director of Juvenile Justice, procedures for disciplinary
25 cases except those that may involve the imposition of
26 disciplinary isolation; delay in referral to the Parole and

1 Pardon Board or a change in work, education or other program
2 assignment of more than 7 days duration.

3 (g) In disciplinary cases which may involve the imposition
4 of disciplinary isolation, delay in referral to the Parole and
5 Pardon Board, or a change in work, education or other program
6 assignment of more than 7 days duration, the Director shall
7 establish disciplinary procedures consistent with the
8 following principles:

9 (1) Any person or persons who initiate a disciplinary
10 charge against a person shall not decide the charge. To the
11 extent possible, a person representing the counseling
12 staff of the institution or facility shall participate in
13 deciding the disciplinary case.

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

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

22 (4) The person or persons deciding the charge may also
23 summon to testify any witnesses or other persons with
24 relevant knowledge of the incident. The person charged may
25 be permitted to question any person so summoned.

26 (5) If the charge is sustained, the person charged is

1 entitled to a written statement of the decision by the
2 persons deciding the charge which shall include the basis
3 for the decision and the disciplinary action, if any, to be
4 imposed.

5 (6) A change in work, education, or other program
6 assignment shall not be used for disciplinary purposes
7 except as provided in paragraph (a) of the Section and then
8 only after review and approval under Section 3-10-3.

9 (Source: P.A. 94-696, eff. 6-1-06.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.