



Sen. Edward D. Maloney

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LRB094 03374 RLC 47084 a

1 AMENDMENT TO HOUSE BILL 2062

2 AMENDMENT NO. _____. Amend House Bill 2062 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by
5 changing Sections 2-110 and 2-201.5 and by adding Sections
6 1-114.01, 2-216, 3-202.3, and 3-202.4 as follows:

7 (210 ILCS 45/1-114.01 new)

8 Sec. 1-114.01. Identified offender. "Identified offender"
9 means a person who has been convicted of any felony offense
10 listed in Section 25 of the Health Care Worker Background Check
11 Act, is a registered sex offender, or is serving a term of
12 parole, mandatory supervised release, or probation for a felony
13 offense.

14 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

15 Sec. 2-110. (a) Any employee or agent of a public agency,
16 any representative of a community legal services program or any
17 other member of the general public shall be permitted access at
18 reasonable hours to any individual resident of any facility,
19 but only if there is neither a commercial purpose nor effect to
20 such access and if the purpose is to do any of the following:

21 (1) Visit, talk with and make personal, social and legal
22 services available to all residents;

23 (2) Inform residents of their rights and entitlements and

1 their corresponding obligations, under federal and State laws,
2 by means of educational materials and discussions in groups and
3 with individual residents;

4 (3) Assist residents in asserting their legal rights
5 regarding claims for public assistance, medical assistance and
6 social security benefits, as well as in all other matters in
7 which residents are aggrieved. Assistance may include
8 counseling and litigation; or

9 (4) Engage in other methods of asserting, advising and
10 representing residents so as to extend to them full enjoyment
11 of their rights.

12 (a-5) If a resident of a licensed facility is an identified
13 offender, any federal, State, or local law enforcement officer
14 or county probation officer shall be permitted reasonable
15 access to the individual resident to verify compliance with the
16 requirements of the Sex Offender Registration Act or to verify
17 compliance with applicable terms of probation, parole, or
18 mandatory supervised release.

19 (b) All persons entering a facility under this Section
20 shall promptly notify appropriate facility personnel of their
21 presence. They shall, upon request, produce identification to
22 establish their identity. No such person shall enter the
23 immediate living area of any resident without first identifying
24 himself and then receiving permission from the resident to
25 enter. The rights of other residents present in the room shall
26 be respected. A resident may terminate at any time a visit by a
27 person having access to the resident's living area under this
28 Section.

29 (c) This Section shall not limit the power of the
30 Department or other public agency otherwise permitted or
31 required by law to enter and inspect a facility.

32 (d) Notwithstanding paragraph (a) of this Section, the
33 administrator of a facility may refuse access to the facility
34 to any person if the presence of that person in the facility

1 would be injurious to the health and safety of a resident or
2 would threaten the security of the property of a resident or
3 the facility, or if the person seeks access to the facility for
4 commercial purposes. Any person refused access to a facility
5 may within 10 days request a hearing under Section 3-703. In
6 that proceeding, the burden of proof as to the right of the
7 facility to refuse access under this Section shall be on the
8 facility.

9 (Source: P.A. 82-783.)

10 (210 ILCS 45/2-201.5)

11 Sec. 2-201.5. Screening prior to admission.

12 (a) All persons age 18 or older seeking admission to a
13 nursing facility must be screened to determine the need for
14 nursing facility services prior to being admitted, regardless
15 of income, assets, or funding source. In addition, any person
16 who seeks to become eligible for medical assistance from the
17 Medical Assistance Program under the Illinois Public Aid Code
18 to pay for long term care services while residing in a facility
19 must be screened prior to receiving those benefits. Screening
20 for nursing facility services shall be administered through
21 procedures established by administrative rule. Screening may
22 be done by agencies other than the Department as established by
23 administrative rule. This Section applies on and after July 1,
24 1996.

25 (b) In addition to the screening required by subsection
26 (a), identified offenders who seek admission to a licensed
27 facility shall not be admitted unless the licensed facility
28 complies with the requirements of the Department's
29 administrative rules adopted pursuant to Section 3-202.3.

30 (Source: P.A. 91-467, eff. 1-1-00.)

31 (210 ILCS 45/2-216 new)

32 Sec. 2-216. Notification of identified offenders. If

1 identified offenders are residents of the licensed facility,
2 the licensed facility shall notify every resident or resident's
3 guardian in writing that such offenders are residents of the
4 licensed facility. The licensed facility shall also provide
5 notice to its employees and to visitors to the facility that
6 identified offenders are residents.

7 (210 ILCS 45/3-202.3 new)

8 Sec. 3-202.3. Identified offenders as residents. No later
9 than 30 days after the effective date of this amendatory Act of
10 the 94th General Assembly, the Department shall file with the
11 Illinois Secretary of State's Office, pursuant to the Illinois
12 Administrative Procedure Act, emergency rules regarding the
13 provision of services to identified offenders. The emergency
14 rules shall provide for, or include, but not be limited to the
15 following:

16 (1) A process for the identification of identified
17 offenders.

18 (2) A required risk assessment of identified
19 offenders.

20 (3) A requirement that a licensed facility be required,
21 within 10 days of the filing of the emergency rules, to
22 compare its residents against the Illinois Department of
23 Corrections and Illinois State Police registered sex
24 offender databases.

25 (4) A requirement that the licensed facility notify the
26 Department within 48 hours of determining that a resident
27 or residents of the licensed facility are listed on the
28 Illinois Department of Corrections or Illinois State
29 Police registered sex offender databases.

30 (5) The care planning of identified offenders, which
31 shall include, but not be limited to, a description of the
32 security measures necessary to protect facility residents
33 from the identified offender, including whether the

1 identified offender should be segregated from other
2 facility residents.

3 (6) For offenders serving terms of probation for felony
4 offenses, parole, or mandatory supervised release, the
5 facility shall acknowledge the terms of release as imposed
6 by the court or Illinois Prisoner Review Board.

7 (7) The discharge planning for identified offenders.

8 (210 ILCS 45/3-202.4 new)

9 Sec. 3-202.4. Feasibility of segregating identified
10 offenders. The Department shall determine the feasibility of
11 requiring identified offenders that seek admission to a
12 licensed facility to be segregated from other residents. The
13 Department shall report its findings to the General Assembly
14 and the Office of the Governor not later than 6 months after
15 the effective date of this amendatory Act of the 94th General
16 Assembly.

17 Section 10. The Unified Code of Corrections is amended by
18 changing Section 3-14-1 as follows:

19 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

20 Sec. 3-14-1. Release from the Institution.

21 (a) Upon release of a person on parole, mandatory release,
22 final discharge or pardon the Department shall return all
23 property held for him, provide him with suitable clothing and
24 procure necessary transportation for him to his designated
25 place of residence and employment. It may provide such person
26 with a grant of money for travel and expenses which may be paid
27 in installments. The amount of the money grant shall be
28 determined by the Department.

29 The Department of Corrections may establish and maintain,
30 in any institution it administers, revolving funds to be known
31 as "Travel and Allowances Revolving Funds". These revolving

1 funds shall be used for advancing travel and expense allowances
2 to committed, paroled, and discharged prisoners. The moneys
3 paid into such revolving funds shall be from appropriations to
4 the Department for Committed, Paroled, and Discharged
5 Prisoners.

6 (b) (Blank).

7 (c) Except as otherwise provided in this Code, the
8 Department shall establish procedures to provide written
9 notification of any release of any person who has been
10 convicted of a felony to the State's Attorney and sheriff of
11 the county from which the offender was committed, and the
12 State's Attorney and sheriff of the county into which the
13 offender is to be paroled or released. Except as otherwise
14 provided in this Code, the Department shall establish
15 procedures to provide written notification to the proper law
16 enforcement agency for any municipality of any release of any
17 person who has been convicted of a felony if the arrest of the
18 offender or the commission of the offense took place in the
19 municipality, if the offender is to be paroled or released into
20 the municipality, or if the offender resided in the
21 municipality at the time of the commission of the offense. If a
22 person convicted of a felony who is in the custody of the
23 Department of Corrections or on parole or mandatory supervised
24 release informs the Department that he or she has resided,
25 resides, or will reside at an address that is a housing
26 facility owned, managed, operated, or leased by a public
27 housing agency, the Department must send written notification
28 of that information to the public housing agency that owns,
29 manages, operates, or leases the housing facility. The written
30 notification shall, when possible, be given at least 14 days
31 before release of the person from custody, or as soon
32 thereafter as possible.

33 (c-1) (Blank).

34 (c-5) If a person on parole or mandatory supervised release

1 becomes a resident of a facility licensed or regulated by the
2 Department of Public Health, the Illinois Department of Public
3 Aid, or the Illinois Department of Human Services, the
4 Department of Corrections shall provide copies of the following
5 information to the appropriate licensing or regulating
6 department and the licensed or regulated facility where the
7 person becomes a resident:

8 (1) The mittimus and any pre-sentence investigation
9 reports.

10 (2) The social evaluation prepared pursuant to Section
11 3-8-2.

12 (3) Any pre-release evaluation conducted pursuant to
13 subsection (j) of Section 3-6-2.

14 (4) Reports of disciplinary infractions and
15 dispositions.

16 (5) Any parole plan, including orders issued by the
17 Prisoner Review Board, and any violation reports and
18 dispositions.

19 (6) The name and contact information for the assigned
20 parole agent and parole supervisor.

21 This information shall be provided within 3 days of the
22 person becoming a resident of the facility.

23 (c-10) If a person on parole or mandatory supervised
24 release becomes a resident of a facility licensed or regulated
25 by the Department of Public Health, the Illinois Department of
26 Public Aid, or the Illinois Department of Human Services, the
27 Department of Corrections shall provide written notification
28 of such residence to the following:

29 (1) The Prisoner Review Board.

30 (2) The chief of police and sheriff in the municipality
31 and county in which the licensed facility is located.

32 The notification shall be provided within 3 days of the
33 person becoming a resident of the facility.

34 (d) Upon the release of a committed person on parole,

1 mandatory supervised release, final discharge or pardon, the
2 Department shall provide such person with information
3 concerning programs and services of the Illinois Department of
4 Public Health to ascertain whether such person has been exposed
5 to the human immunodeficiency virus (HIV) or any identified
6 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

7 (e) Upon the release of a committed person on parole,
8 mandatory supervised release, final discharge, or pardon, the
9 Department shall provide the person who has met the criteria
10 established by the Department with an identification card
11 identifying the person as being on parole, mandatory supervised
12 release, final discharge, or pardon, as the case may be. The
13 Department, in consultation with the Office of the Secretary of
14 State, shall prescribe the form of the identification card,
15 which may be similar to the form of the standard Illinois
16 Identification Card. The Department shall inform the committed
17 person that he or she may present the identification card to
18 the Office of the Secretary of State upon application for a
19 standard Illinois Identification Card in accordance with the
20 Illinois Identification Card Act. The Department shall require
21 the committed person to pay a \$1 fee for the identification
22 card.

23 For purposes of a committed person receiving an
24 identification card issued by the Department under this
25 subsection, the Department shall establish criteria that the
26 committed person must meet before the card is issued. It is the
27 sole responsibility of the committed person requesting the
28 identification card issued by the Department to meet the
29 established criteria. The person's failure to meet the criteria
30 is sufficient reason to deny the committed person the
31 identification card. An identification card issued by the
32 Department under this subsection shall be valid for a period of
33 time not to exceed 30 calendar days from the date the card is
34 issued. The Department shall not be held civilly or criminally

1 liable to anyone because of any act of any person utilizing a
2 card issued by the Department under this subsection.

3 The Department shall adopt rules governing the issuance of
4 identification cards to committed persons being released on
5 parole, mandatory supervised release, final discharge, or
6 pardon.

7 (Source: P.A. 91-506, eff. 8-13-99; 91-695, eff. 4-13-00;
8 92-240, eff. 1-1-02.)

9 Section 15. The Probation and Probation Officers Act is
10 amended by changing Section 12 as follows:

11 (730 ILCS 110/12) (from Ch. 38, par. 204-4)

12 Sec. 12. The duties of probation officers shall be:

13 (1) To investigate as required by Section 5-3-1 of the
14 "Unified Code of Corrections", approved July 26, 1972, as
15 amended, the case of any person to be placed on probation. Full
16 opportunity shall be afforded a probation officer to confer
17 with the person under investigation when such person is in
18 custody.

19 (2) To notify the court of any previous conviction for
20 crime or previous probation of any defendant invoking the
21 provisions of this Act.

22 (3) All reports and notifications required in this Act to
23 be made by probation officers shall be in writing and shall be
24 filed by the clerk in the respective cases.

25 (4) To preserve complete and accurate records of cases
26 investigated, including a description of the person
27 investigated, the action of the court with respect to his case
28 and his probation, the subsequent history of such person, if he
29 becomes a probationer, during the continuance of his probation,
30 which records shall be open to inspection by any judge or by
31 any probation officer pursuant to order of court, but shall not
32 be a public record, and its contents shall not be divulged

1 otherwise than as above provided, except upon order of court.

2 (5) To take charge of and watch over all persons placed on
3 probation under such regulations and for such terms as may be
4 prescribed by the court, and giving to each probationer full
5 instructions as to the terms of his release upon probation and
6 requiring from him such periodical reports as shall keep the
7 officer informed as to his conduct.

8 (6) To develop and operate programs of reasonable public or
9 community service for any persons ordered by the court to
10 perform public or community service, providing, however, that
11 no probation officer or any employee of a probation office
12 acting in the course of his official duties shall be liable for
13 any tortious acts of any person performing public or community
14 service except for wilful misconduct or gross negligence on the
15 part of the probation officer or employee.

16 (7) When any person on probation removes from the county
17 where his offense was committed, it shall be the duty of the
18 officer under whose care he was placed to report the facts to
19 the probation officer in the county to which the probationer
20 has removed; and it shall thereupon become the duty of such
21 probation officer to take charge of and watch over said
22 probationer the same as if the case originated in that county;
23 and for that purpose he shall have the same power and authority
24 over said probationer as if he had been originally placed in
25 said officer's charge; and such officer shall be required to
26 report in writing every 6 months, or more frequently upon
27 request the results of his supervision to the probation officer
28 in whose charge the said probationer was originally placed by
29 the court.

30 (8) To authorize travel permits to individuals under their
31 supervision unless otherwise ordered by the court.

32 (9) To perform such other duties as are provided for in
33 this act or by rules of court and such incidental duties as may
34 be implied from those expressly required.

1 (10) To send written notification to a public housing
2 agency if a person on probation for a felony who is under the
3 supervision of the probation officer informs the probation
4 officer that he or she has resided, resides, or will reside at
5 an address that is a housing facility owned, managed, operated,
6 or leased by that public housing agency.

7 (11) If a person on probation for a felony offense who is
8 under the supervision of the probation officer becomes a
9 resident of a facility licensed or regulated by the Department
10 of Public Health, the Illinois Department of Public Aid, or
11 Illinois Department of Human Services, the probation officer
12 shall within 3 days of the person becoming a resident, notify
13 the licensing or regulating Department and licensed or
14 regulated facility and shall provide the licensed or regulated
15 facility and licensing or regulating Department with copies of
16 the following:

17 (a) pre-sentence investigation reports or social
18 investigation reports;

19 (b) any applicable probation orders and corresponding
20 compliance plans;

21 (c) the name and contact information for the assigned
22 probation officer.

23 (Source: P.A. 91-506, eff. 8-13-99.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."