



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1830

Introduced 2/25/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

110 ILCS 520/8
730 ILCS 5/3-2-2

from Ch. 144, par. 658
from Ch. 38, par. 1003-2-2

Amends the Southern Illinois University Management Act. Provides that the Board of Trustees of Southern Illinois University, by or through the School of Medicine ("Medical School"), shall enter into an intergovernmental agreement with the Department of Corrections to investigate the grievances of persons committed to the Department of Corrections that relate to the provision of medical care. Amends the Unified Code of Corrections. Provides that the Department of Corrections may enter into an intergovernmental agreement on a 2 year trial basis with the Southern Illinois University School of Medicine to act as The Medical Ombudsman Office ("the Ombudsman"), to investigate the grievances of persons committed to it who are housed at prisons covered by one of the contracts for medical services entered into by the Department. Provides that the trial shall include at least one Level One facility. Provides that pursuant to the trial program, the Grievance Officer at each institution shall forward to the Ombudsman all grievances from prisoners that relate to the provision of medical care.

LRB094 11235 RLC 41962 b

FISCAL NOTE ACT
MAY APPLY

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 Southern Illinois University Management Act
5 is amended by changing Section 8 as follows:

6 (110 ILCS 520/8) (from Ch. 144, par. 658)

7 Sec. 8. Powers and Duties of the Board. The Board shall
8 have power and it shall be its duty:

9 1. To make rules, regulations and by-laws, not
10 inconsistent with law, for the government and management of
11 Southern Illinois University and its branches;

12 2. To employ, and, for good cause, to remove a
13 president of Southern Illinois University, and all
14 necessary deans, professors, associate professors,
15 assistant professors, instructors, and other educational
16 and administrative assistants, and all other necessary
17 employees, and contract with them upon matters relating to
18 tenure, salaries and retirement benefits in accordance
19 with the State Universities Civil Service Act; the Board
20 shall, upon the written request of an employee of Southern
21 Illinois University, withhold from the compensation of
22 that employee any dues, payments or contributions payable
23 by such employee to any labor organization as defined in
24 the Illinois Educational Labor Relations Act. Under such
25 arrangement, an amount shall be withheld from each regular
26 payroll period which is equal to the pro rata share of the
27 annual dues plus any payments or contributions, and the
28 Board shall transmit such withholdings to the specified
29 labor organization within 10 working days from the time of
30 the withholding. Whenever the Board establishes a search
31 committee to fill the position of president of Southern
32 Illinois University, there shall be minority

1 representation, including women, on that search committee;

2 3. To prescribe the course of study to be followed, and
3 textbooks and apparatus to be used at Southern Illinois
4 University;

5 4. To issue upon the recommendation of the faculty,
6 diplomas to such persons as have satisfactorily completed
7 the required studies of Southern Illinois University, and
8 confer such professional and literary degrees as are
9 usually conferred by other institutions of like character
10 for similar or equivalent courses of study, or such as the
11 Board may deem appropriate;

12 5. To examine into the conditions, management, and
13 administration of Southern Illinois University, to provide
14 the requisite buildings, apparatus, equipment and
15 auxiliary enterprises, and to fix and collect
16 matriculation fees; tuition fees; fees for student
17 activities; fees for student facilities such as student
18 union buildings or field houses or stadium or other
19 recreational facilities; student welfare fees; laboratory
20 fees and similar fees for supplies and material;

21 6. To succeed to and to administer all trusts, trust
22 property, and gifts now or hereafter belonging or
23 pertaining to Southern Illinois University;

24 7. To accept endowments of professorships or
25 departments in the University from any person who may
26 proffer them and, at regular meetings, to prescribe rules
27 and regulations in relation to endowments and declare on
28 what general principles they may be accepted;

29 8. To enter into contracts with the Federal government
30 for providing courses of instruction and other services at
31 Southern Illinois University for persons serving in or with
32 the military or naval forces of the United States, and to
33 provide such courses of instruction and other services;

34 9. To provide for the receipt and expenditures of
35 Federal funds, paid to the Southern Illinois University by
36 the Federal government for instruction and other services

1 for persons serving in or with the military or naval forces
2 of the United States and to provide for audits of such
3 funds;

4 10. To appoint, subject to the applicable civil service
5 law, persons to be members of the Southern Illinois
6 University Police Department. Members of the Police
7 Department shall be conservators of the peace and as such
8 have all powers possessed by policemen in cities, and
9 sheriffs, including the power to make arrests on view or
10 warrants of violations of state statutes, university rules
11 and regulations and city or county ordinances, except that
12 they may exercise such powers only within counties wherein
13 the university and any of its branches or properties are
14 located when such is required for the protection of
15 university properties and interests, and its students and
16 personnel, and otherwise, within such counties, when
17 requested by appropriate State or local law enforcement
18 officials. However, such officers shall have no power to
19 serve and execute civil processes.

20 The Board must authorize to each member of the Southern
21 Illinois University Police Department and to any other
22 employee of Southern Illinois University exercising the
23 powers of a peace officer a distinct badge that, on its
24 face, (i) clearly states that the badge is authorized by
25 Southern Illinois University and (ii) contains a unique
26 identifying number. No other badge shall be authorized by
27 Southern Illinois University.

28 11. To administer a plan or plans established by the
29 clinical faculty of the School of Medicine for the billing,
30 collection and disbursement of charges made by individual
31 faculty members for professional services performed by
32 them in the course of or in support of their academic
33 responsibilities, provided that such plan has been first
34 approved by Board action. All such collections shall be
35 deposited into a special fund or funds administered by the
36 Board from which disbursements may be made according to the

1 provisions of said plan. The reasonable costs incurred, by
2 the University, administering the billing, collection and
3 disbursement provisions of a plan shall have first priority
4 for payment before distribution or disbursement for any
5 other purpose. Charges established pursuant to this plan
6 must be itemized in any billing and any amounts collected
7 which are not used to off-set the cost of operating or
8 maintaining the activity which generated the funds
9 collected, must be accounted for separately. This
10 accounting must clearly show the use and application made
11 of the funds and the Board shall report such accountings
12 for the previous fiscal year to the Legislative Audit
13 Commission annually by December 31 of each fiscal year.

14 The Board of Trustees may own, operate, or govern, by
15 or through the School of Medicine, a managed care community
16 network established under subsection (b) of Section 5-11 of
17 the Illinois Public Aid Code.

18 11.5. The Board of Trustees, by or through the School
19 of Medicine ("Medical School"), shall enter into an
20 intergovernmental agreement with the Department of
21 Corrections to investigate the grievances of persons
22 committed to the Department of Corrections that relate to
23 the provision of medical care. The contract shall provide
24 that the Medical School shall have the right to review
25 medical records (including mental health records) of any
26 committed person and to interview any medical personnel,
27 whether or not employed by the Department of Corrections,
28 who have provided treatment to such committed person, and
29 to interview such committed person. The Medical School may
30 provide the Director of Corrections (with a copy to the
31 prisoner) with a written report regarding its findings and
32 conclusions as to any such grievance and shall provide an
33 annual report addressing the systemic issues it has
34 identified, if any, relating to the competence,
35 efficiency, and justice of medical treatment provided to
36 committed persons.

1 12. The Board of Trustees may, directly or in
2 cooperation with other institutions of higher education,
3 acquire by purchase or lease or otherwise, and construct,
4 enlarge, improve, equip, complete, operate, control and
5 manage medical research and high technology parks,
6 together with the necessary lands, buildings, facilities,
7 equipment, and personal property therefor, to encourage
8 and facilitate (a) the location and development of business
9 and industry in the State of Illinois, and (b) the
10 increased application and development of technology and
11 (c) the improvement and development of the State's economy.
12 The Board of Trustees may lease to nonprofit corporations
13 all or any part of the land, buildings, facilities,
14 equipment or other property included in a medical research
15 and high technology park upon such terms and conditions as
16 the Board of Trustees may deem advisable and enter into any
17 contract or agreement with such nonprofit corporations as
18 may be necessary or suitable for the construction,
19 financing, operation and maintenance and management of any
20 such park; and may lease to any person, firm, partnership
21 or corporation, either public or private, any part or all
22 of the land, building, facilities, equipment or other
23 property of such park for such purposes and upon such
24 rentals, terms and conditions as the Board of Trustees may
25 deem advisable; and may finance all or part of the cost of
26 any such park, including the purchase, lease,
27 construction, reconstruction, improvement, remodeling,
28 addition to, and extension and maintenance of all or part
29 of such high technology park, and all equipment and
30 furnishings, by legislative appropriations, government
31 grants, contracts, private gifts, loans, receipts from the
32 operation of such high technology park, rentals and similar
33 receipts; and may make its other facilities and services
34 available to tenants or other occupants of any such park at
35 rates which are reasonable and appropriate.
36 The powers of the Board as herein designated are subject to

1 the Board of Higher Education Act.

2 (Source: P.A. 91-883, eff. 1-1-01; 92-370, eff. 8-15-01.)

3 Section 10. The Unified Code of Corrections is amended by
4 changing Section 3-2-2 as follows:

5 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

6 Sec. 3-2-2. Powers and Duties of the Department.

7 (1) In addition to the powers, duties and responsibilities
8 which are otherwise provided by law, the Department shall have
9 the following powers:

10 (a) To accept persons committed to it by the courts of
11 this State for care, custody, treatment and
12 rehabilitation, and to accept federal prisoners and aliens
13 over whom the Office of the Federal Detention Trustee is
14 authorized to exercise the federal detention function for
15 limited purposes and periods of time.

16 (b) To develop and maintain reception and evaluation
17 units for purposes of analyzing the custody and
18 rehabilitation needs of persons committed to it and to
19 assign such persons to institutions and programs under its
20 control or transfer them to other appropriate agencies. In
21 consultation with the Department of Alcoholism and
22 Substance Abuse (now the Department of Human Services), the
23 Department of Corrections shall develop a master plan for
24 the screening and evaluation of persons committed to its
25 custody who have alcohol or drug abuse problems, and for
26 making appropriate treatment available to such persons;
27 the Department shall report to the General Assembly on such
28 plan not later than April 1, 1987. The maintenance and
29 implementation of such plan shall be contingent upon the
30 availability of funds.

31 (b-1) To create and implement, on January 1, 2002, a
32 pilot program to establish the effectiveness of
33 pupillometer technology (the measurement of the pupil's
34 reaction to light) as an alternative to a urine test for

1 purposes of screening and evaluating persons committed to
2 its custody who have alcohol or drug problems. The pilot
3 program shall require the pupillometer technology to be
4 used in at least one Department of Corrections facility.
5 The Director may expand the pilot program to include an
6 additional facility or facilities as he or she deems
7 appropriate. A minimum of 4,000 tests shall be included in
8 the pilot program. The Department must report to the
9 General Assembly on the effectiveness of the program by
10 January 1, 2003.

11 (b-5) To develop, in consultation with the Department
12 of State Police, a program for tracking and evaluating each
13 inmate from commitment through release for recording his or
14 her gang affiliations, activities, or ranks.

15 (c) To maintain and administer all State correctional
16 institutions and facilities under its control and to
17 establish new ones as needed. Pursuant to its power to
18 establish new institutions and facilities, the Department
19 may, with the written approval of the Governor, authorize
20 the Department of Central Management Services to enter into
21 an agreement of the type described in subsection (d) of
22 Section 405-300 of the Department of Central Management
23 Services Law (20 ILCS 405/405-300). The Department shall
24 designate those institutions which shall constitute the
25 State Penitentiary System.

26 Pursuant to its power to establish new institutions and
27 facilities, the Department may authorize the Department of
28 Central Management Services to accept bids from counties
29 and municipalities for the construction, remodeling or
30 conversion of a structure to be leased to the Department of
31 Corrections for the purposes of its serving as a
32 correctional institution or facility. Such construction,
33 remodeling or conversion may be financed with revenue bonds
34 issued pursuant to the Industrial Building Revenue Bond Act
35 by the municipality or county. The lease specified in a bid
36 shall be for a term of not less than the time needed to

1 retire any revenue bonds used to finance the project, but
2 not to exceed 40 years. The lease may grant to the State
3 the option to purchase the structure outright.

4 Upon receipt of the bids, the Department may certify
5 one or more of the bids and shall submit any such bids to
6 the General Assembly for approval. Upon approval of a bid
7 by a constitutional majority of both houses of the General
8 Assembly, pursuant to joint resolution, the Department of
9 Central Management Services may enter into an agreement
10 with the county or municipality pursuant to such bid.

11 (c-5) To build and maintain regional juvenile
12 detention centers and to charge a per diem to the counties
13 as established by the Department to defray the costs of
14 housing each minor in a center. In this subsection (c-5),
15 "juvenile detention center" means a facility to house
16 minors during pendency of trial who have been transferred
17 from proceedings under the Juvenile Court Act of 1987 to
18 prosecutions under the criminal laws of this State in
19 accordance with Section 5-805 of the Juvenile Court Act of
20 1987, whether the transfer was by operation of law or
21 permissive under that Section. The Department shall
22 designate the counties to be served by each regional
23 juvenile detention center.

24 (d) To develop and maintain programs of control,
25 rehabilitation and employment of committed persons within
26 its institutions.

27 (e) To establish a system of supervision and guidance
28 of committed persons in the community.

29 (f) To establish in cooperation with the Department of
30 Transportation to supply a sufficient number of prisoners
31 for use by the Department of Transportation to clean up the
32 trash and garbage along State, county, township, or
33 municipal highways as designated by the Department of
34 Transportation. The Department of Corrections, at the
35 request of the Department of Transportation, shall furnish
36 such prisoners at least annually for a period to be agreed

1 upon between the Director of Corrections and the Director
2 of Transportation. The prisoners used on this program shall
3 be selected by the Director of Corrections on whatever
4 basis he deems proper in consideration of their term,
5 behavior and earned eligibility to participate in such
6 program - where they will be outside of the prison facility
7 but still in the custody of the Department of Corrections.
8 Prisoners convicted of first degree murder, or a Class X
9 felony, or armed violence, or aggravated kidnapping, or
10 criminal sexual assault, aggravated criminal sexual abuse
11 or a subsequent conviction for criminal sexual abuse, or
12 forcible detention, or arson, or a prisoner adjudged a
13 Habitual Criminal shall not be eligible for selection to
14 participate in such program. The prisoners shall remain as
15 prisoners in the custody of the Department of Corrections
16 and such Department shall furnish whatever security is
17 necessary. The Department of Transportation shall furnish
18 trucks and equipment for the highway cleanup program and
19 personnel to supervise and direct the program. Neither the
20 Department of Corrections nor the Department of
21 Transportation shall replace any regular employee with a
22 prisoner.

23 (g) To maintain records of persons committed to it and
24 to establish programs of research, statistics and
25 planning.

26 (h) To investigate the grievances of any person
27 committed to the Department, to inquire into any alleged
28 misconduct by employees or committed persons, and to
29 investigate the assets of committed persons to implement
30 Section 3-7-6 of this Code; and for these purposes it may
31 issue subpoenas and compel the attendance of witnesses and
32 the production of writings and papers, and may examine
33 under oath any witnesses who may appear before it; to also
34 investigate alleged violations of a parolee's or
35 releasee's conditions of parole or release; and for this
36 purpose it may issue subpoenas and compel the attendance of

1 witnesses and the production of documents only if there is
2 reason to believe that such procedures would provide
3 evidence that such violations have occurred.

4 If any person fails to obey a subpoena issued under
5 this subsection, the Director may apply to any circuit
6 court to secure compliance with the subpoena. The failure
7 to comply with the order of the court issued in response
8 thereto shall be punishable as contempt of court.

9 (h-5) To enter into an intergovernmental agreement on a
10 2 year trial basis with the Southern Illinois University
11 School of Medicine ("Medical School") to act as The Medical
12 Ombudsman Office ("the Ombudsman"), to investigate the
13 grievances of persons committed to it who are housed at
14 prisons covered by one of the contracts for medical
15 services entered into by the Department. The trial shall
16 include at least one Level One facility. Pursuant to this
17 trial program, the Grievance Officer at each institution
18 shall forward to the Ombudsman all grievances from
19 prisoners that relate to the provision of medical care. The
20 contract shall provide that the Medical School shall have
21 the right to review medical records (including mental
22 health records) of any committed person and to interview
23 any medical personnel, whether or not employed by the
24 Department of Corrections, who have provided treatment to
25 such committed person, and to interview such committed
26 person. The Medical School may provide the Director of
27 Corrections (with a copy provided to the prisoner) with a
28 written report regarding its findings and conclusions as to
29 any such grievance and shall provide an annual report
30 addressing the systemic issues it has identified, if any,
31 relating to the competence, efficiency, and justice of
32 medical treatment provided to committed persons. The
33 Ombudsman may not be called as a witness by any party in
34 any case related to a matter it has reviewed, and its
35 report shall not be admissible in evidence in any such
36 proceeding. However, the report of the Ombudsman may be

1 used in any proceeding before the Department of Financial
2 and Professional Regulation or a similar licensing body,
3 and may be used to satisfy the requirements of Section
4 2-622 of the Code of Civil Procedure. The Ombudsman shall
5 not be made a party to any suit relating to any matter
6 submitted to it for review, and a report from the Ombudsman
7 shall not be required to exhaust administrative remedies.

8 (i) To appoint and remove the chief administrative
9 officers, and administer programs of training and
10 development of personnel of the Department. Personnel
11 assigned by the Department to be responsible for the
12 custody and control of committed persons or to investigate
13 the alleged misconduct of committed persons or employees or
14 alleged violations of a parolee's or releasee's conditions
15 of parole shall be conservators of the peace for those
16 purposes, and shall have the full power of peace officers
17 outside of the facilities of the Department in the
18 protection, arrest, retaking and reconfining of committed
19 persons or where the exercise of such power is necessary to
20 the investigation of such misconduct or violations.

21 (j) To cooperate with other departments and agencies
22 and with local communities for the development of standards
23 and programs for better correctional services in this
24 State.

25 (k) To administer all moneys and properties of the
26 Department.

27 (l) To report annually to the Governor on the committed
28 persons, institutions and programs of the Department.

29 (l-5) In a confidential annual report to the Governor,
30 the Department shall identify all inmate gangs by
31 specifying each current gang's name, population and allied
32 gangs. The Department shall further specify the number of
33 top leaders identified by the Department for each gang
34 during the past year, and the measures taken by the
35 Department to segregate each leader from his or her gang
36 and allied gangs. The Department shall further report the

1 current status of leaders identified and segregated in
2 previous years. All leaders described in the report shall
3 be identified by inmate number or other designation to
4 enable tracking, auditing, and verification without
5 revealing the names of the leaders. Because this report
6 contains law enforcement intelligence information
7 collected by the Department, the report is confidential and
8 not subject to public disclosure.

9 (m) To make all rules and regulations and exercise all
10 powers and duties vested by law in the Department.

11 (n) To establish rules and regulations for
12 administering a system of good conduct credits,
13 established in accordance with Section 3-6-3, subject to
14 review by the Prisoner Review Board.

15 (o) To administer the distribution of funds from the
16 State Treasury to reimburse counties where State penal
17 institutions are located for the payment of assistant
18 state's attorneys' salaries under Section 4-2001 of the
19 Counties Code.

20 (p) To exchange information with the Department of
21 Human Services and the Illinois Department of Public Aid
22 for the purpose of verifying living arrangements and for
23 other purposes directly connected with the administration
24 of this Code and the Illinois Public Aid Code.

25 (q) To establish a diversion program.

26 The program shall provide a structured environment for
27 selected technical parole or mandatory supervised release
28 violators and committed persons who have violated the rules
29 governing their conduct while in work release. This program
30 shall not apply to those persons who have committed a new
31 offense while serving on parole or mandatory supervised
32 release or while committed to work release.

33 Elements of the program shall include, but shall not be
34 limited to, the following:

35 (1) The staff of a diversion facility shall provide
36 supervision in accordance with required objectives set

1 by the facility.

2 (2) Participants shall be required to maintain
3 employment.

4 (3) Each participant shall pay for room and board
5 at the facility on a sliding-scale basis according to
6 the participant's income.

7 (4) Each participant shall:

8 (A) provide restitution to victims in
9 accordance with any court order;

10 (B) provide financial support to his
11 dependents; and

12 (C) make appropriate payments toward any other
13 court-ordered obligations.

14 (5) Each participant shall complete community
15 service in addition to employment.

16 (6) Participants shall take part in such
17 counseling, educational and other programs as the
18 Department may deem appropriate.

19 (7) Participants shall submit to drug and alcohol
20 screening.

21 (8) The Department shall promulgate rules
22 governing the administration of the program.

23 (r) To enter into intergovernmental cooperation
24 agreements under which persons in the custody of the
25 Department may participate in a county impact
26 incarceration program established under Section 3-6038 or
27 3-15003.5 of the Counties Code.

28 (r-5) To enter into intergovernmental cooperation
29 agreements under which minors adjudicated delinquent and
30 committed to the Department of Corrections, Juvenile
31 Division, may participate in a county juvenile impact
32 incarceration program established under Section 3-6039 of
33 the Counties Code.

34 (r-10) To systematically and routinely identify with
35 respect to each streetgang active within the correctional
36 system: (1) each active gang; (2) every existing inter-gang

1 affiliation or alliance; and (3) the current leaders in
2 each gang. The Department shall promptly segregate leaders
3 from inmates who belong to their gangs and allied gangs.
4 "Segregate" means no physical contact and, to the extent
5 possible under the conditions and space available at the
6 correctional facility, prohibition of visual and sound
7 communication. For the purposes of this paragraph (r-10),
8 "leaders" means persons who:

9 (i) are members of a criminal streetgang;

10 (ii) with respect to other individuals within the
11 streetgang, occupy a position of organizer,
12 supervisor, or other position of management or
13 leadership; and

14 (iii) are actively and personally engaged in
15 directing, ordering, authorizing, or requesting
16 commission of criminal acts by others, which are
17 punishable as a felony, in furtherance of streetgang
18 related activity both within and outside of the
19 Department of Corrections.

20 "Streetgang", "gang", and "streetgang related" have the
21 meanings ascribed to them in Section 10 of the Illinois
22 Streetgang Terrorism Omnibus Prevention Act.

23 (s) To operate a super-maximum security institution,
24 in order to manage and supervise inmates who are disruptive
25 or dangerous and provide for the safety and security of the
26 staff and the other inmates.

27 (t) To monitor any unprivileged conversation or any
28 unprivileged communication, whether in person or by mail,
29 telephone, or other means, between an inmate who, before
30 commitment to the Department, was a member of an organized
31 gang and any other person without the need to show cause or
32 satisfy any other requirement of law before beginning the
33 monitoring, except as constitutionally required. The
34 monitoring may be by video, voice, or other method of
35 recording or by any other means. As used in this
36 subdivision (1)(t), "organized gang" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 As used in this subdivision (1)(t), "unprivileged
4 conversation" or "unprivileged communication" means a
5 conversation or communication that is not protected by any
6 privilege recognized by law or by decision, rule, or order
7 of the Illinois Supreme Court.

8 (u) To establish a Women's and Children's Pre-release
9 Community Supervision Program for the purpose of providing
10 housing and services to eligible female inmates, as
11 determined by the Department, and their newborn and young
12 children.

13 (v) To do all other acts necessary to carry out the
14 provisions of this Chapter.

15 (2) The Department of Corrections shall by January 1, 1998,
16 consider building and operating a correctional facility within
17 100 miles of a county of over 2,000,000 inhabitants, especially
18 a facility designed to house juvenile participants in the
19 impact incarceration program.

20 (3) When the Department lets bids for contracts for medical
21 services to be provided to persons committed to Department
22 facilities by a health maintenance organization, medical
23 service corporation, or other health care provider, the bid may
24 only be let to a health care provider that has obtained an
25 irrevocable letter of credit or performance bond issued by a
26 company whose bonds are rated AAA by a bond rating
27 organization.

28 (4) When the Department lets bids for contracts for food or
29 commissary services to be provided to Department facilities,
30 the bid may only be let to a food or commissary services
31 provider that has obtained an irrevocable letter of credit or
32 performance bond issued by a company whose bonds are rated AAA
33 by a bond rating organization.

34 (Source: P.A. 92-444, eff. 1-1-02; 92-712, eff. 1-1-03; 93-839,
35 eff. 7-30-04.)