



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0419

Introduced 2/3/2009, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2

from Ch. 38, par. 1003-7-2

Amends the Unified Code of Corrections. Provides that all institutions and facilities of the Department of Corrections shall permit a committed person to purchase, possess, and use condoms. Provides that a committed person may not be denied any privileges or good conduct credit because of the committed person's purchase, possession, or use of condoms. Provides that neither the Department of Corrections nor an institution or facility of the Department may declare condoms as contraband. Provides that by January 1, 2010, the Department of Corrections shall develop a plan to make condoms available to committed persons according to established public health practices and in a manner that protects the health, safety, and privacy of committed persons and correctional facility staff. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

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 3-7-2 as follows:

6 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

7 Sec. 3-7-2. Facilities.

8 (a) All institutions and facilities of the Department shall
9 provide every committed person with access to toilet
10 facilities, barber facilities, bathing facilities at least
11 once each week, a library of legal materials and published
12 materials including newspapers and magazines approved by the
13 Director. A committed person may not receive any materials that
14 the Director deems pornographic.

15 (b) (Blank).

16 (c) All institutions and facilities of the Department shall
17 provide facilities for every committed person to leave his cell
18 for at least one hour each day unless the chief administrative
19 officer determines that it would be harmful or dangerous to the
20 security or safety of the institution or facility.

21 (d) All institutions and facilities of the Department shall
22 provide every committed person with a wholesome and nutritional
23 diet at regularly scheduled hours, drinking water, clothing

1 adequate for the season, bedding, soap and towels and medical
2 and dental care.

3 (e) All institutions and facilities of the Department shall
4 permit every committed person to send and receive an unlimited
5 number of uncensored letters, provided, however, that the
6 Director may order that mail be inspected and read for reasons
7 of the security, safety or morale of the institution or
8 facility.

9 (f) All of the institutions and facilities of the
10 Department shall permit every committed person to receive
11 visitors, except in case of abuse of the visiting privilege or
12 when the chief administrative officer determines that such
13 visiting would be harmful or dangerous to the security, safety
14 or morale of the institution or facility. The chief
15 administrative officer shall have the right to restrict
16 visitation to non-contact visits for reasons of safety,
17 security, and order, including, but not limited to, restricting
18 contact visits for committed persons engaged in gang activity.
19 No committed person in a super maximum security facility or on
20 disciplinary segregation is allowed contact visits. Any
21 committed person found in possession of illegal drugs or who
22 fails a drug test shall not be permitted contact visits for a
23 period of at least 6 months. Any committed person involved in
24 gang activities or found guilty of assault committed against a
25 Department employee shall not be permitted contact visits for a
26 period of at least 6 months. The Department shall offer every

1 visitor appropriate written information concerning HIV and
2 AIDS, including information concerning how to contact the
3 Illinois Department of Public Health for counseling
4 information. The Department shall develop the written
5 materials in consultation with the Department of Public Health.
6 The Department shall ensure that all such information and
7 materials are culturally sensitive and reflect cultural
8 diversity as appropriate. Implementation of the changes made to
9 this Section by this amendatory Act of the 94th General
10 Assembly is subject to appropriation.

11 (g) All institutions and facilities of the Department shall
12 permit religious ministrations and sacraments to be available
13 to every committed person, but attendance at religious services
14 shall not be required.

15 (h) Within 90 days after December 31, 1996, the Department
16 shall prohibit the use of curtains, cell-coverings, or any
17 other matter or object that obstructs or otherwise impairs the
18 line of vision into a committed person's cell.

19 (i) All institutions and facilities of the Department shall
20 permit a committed person to purchase, possess, and use
21 condoms. A committed person may not be denied any privileges or
22 good conduct credit because of the committed person's purchase,
23 possession, or use of condoms. Neither the Department nor an
24 institution or facility of the Department may declare condoms
25 as contraband. By January 1, 2010, the Department shall develop
26 a plan to make condoms available to committed persons according

1 to established public health practices and in a manner that
2 protects the health, safety, and privacy of committed persons
3 and correctional facility staff.

4 (Source: P.A. 94-629, eff. 1-1-06.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.