



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1946

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-7	from Ch. 38, par. 1003-2-7
730 ILCS 5/3-6-9 new	
730 ILCS 5/3-7-2	from Ch. 38, par. 1003-7-2

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall annually train all employees on universal precautions for the prevention of transmission of HIV, hepatitis, and other infections transmitted by contact with blood or bodily fluids. Provides that all institutions and facilities of the Department of Corrections shall operate a program to educate inmates about the transmission, prevention and treatment of HIV/AIDS, sexually transmitted infections, and viral hepatitis, and other chronic health and wellness topics as determined by the Department. Provides that all institutions and facilities of the Department shall permit a committed person to possess and use condoms. Provides that a committed person may not be denied any privileges or good conduct credit because of the person's purchase, possession, or use of condoms. Provides that neither the Department nor an institution or facility of the Department may declare condoms as contraband, although the Department may limit the number of condoms in unopened, original packaging that an inmate may possess at any one time. Provides that by January 1, 2012 the Department shall develop a plan to make condoms available at no cost according to established public health practices and in a manner that protects the health, safety and privacy of committed person and correctional facility staff, and such plan may include vending machines.

LRB097 08868 RLC 50846 b

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 Sections 3-2-7 and 3-7-2 by adding Section 3-6-9 as
6 follows:

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

8 Sec. 3-2-7. Staff Training and Development.

9 (a) The Department shall train its own personnel and any
10 personnel from local agencies by agreements under Section
11 3-15-2.

12 (b) To develop and train its personnel, the Department may
13 make grants in aid for academic study and training in fields
14 related to corrections. The Department shall establish rules
15 for the conditions and amounts of such grants. The Department
16 may employ any person during his program of studies and may
17 require the person to work for it on completion of his program
18 according to the agreement entered into between the person
19 receiving the grant and the Department.

20 (c) The Department shall annually train all employees on
21 universal precautions for the prevention of transmission of
22 HIV, hepatitis, and other infections transmitted by contact
23 with blood or bodily fluids. Such training shall include basic

1 information on the transmission of HIV and its prevention, the
2 rare nature of transmission of HIV by bodily fluids during
3 fight or other incidents, respect for people living with HIV,
4 the confidentiality requirements of the AIDS Confidentiality
5 Act and the penalties for violations, and compliance with the
6 non-discrimination provisions of the Illinois Human Rights
7 Act.

8 (Source: P.A. 77-2097.)

9 (730 ILCS 5/3-6-9 new)

10 Sec. 3-6-9. Peer-based Health and Prevention Education
11 programs. All institutions and facilities shall operate a
12 program to educate inmates about the transmission, prevention
13 and treatment of HIV/AIDS, sexually transmitted infections,
14 and viral hepatitis, and other chronic health and wellness
15 topics as determined by the Department. The Department shall
16 employ committed persons to provide the educational programs to
17 other committed persons, under the supervision of employees of
18 the Department. The Department shall employ a
19 nationally-recognized, evidence-based curriculum intended for
20 use with correctional populations. The program must include
21 information on the benefits of testing for HIV, sexually
22 transmitted infections, and viral hepatitis for the individual
23 and his or her community, the availability of treatment and
24 medication to the committed person, the availability of
25 programs to assist people with HIV and other conditions to

1 successfully re-enter the community, and how to obtain testing
2 while incarcerated. The program must also include information
3 intended to reduce the stigma of living with HIV and increase
4 acceptance of people with HIV. Such program must comply with
5 the non-discrimination provisions of the Illinois Human Rights
6 Act.

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

8 Sec. 3-7-2. Facilities.

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

16 (b) (Blank).

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

22 (d) All institutions and facilities of the Department shall
23 provide every committed person with a wholesome and nutritional
24 diet at regularly scheduled hours, drinking water, clothing
25 adequate for the season, bedding, soap and towels and medical

1 and dental care.

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

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

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

10 (f-5) The Department shall establish a pilot program in one
11 or more institutions or facilities of the Department to permit
12 committed persons to remotely visit family members through
13 interactive video conferences. The Department may enter into
14 agreements with third-party organizations to provide video
15 conference facilities for family members of committed persons.
16 The Department may determine who is a family member eligible to
17 participate in the program and the conditions in which and
18 times when the video conferences may be conducted. The
19 Department may conduct such conferences as an alternative to
20 transporting committed persons to facilities and institutions
21 of the Department near the residences of family members of the
22 committed persons.

23 Beginning on October 1, 2010 and through October 1, 2012,
24 the Department shall issue an annual report to the General
25 Assembly regarding the implementation and effectiveness of the
26 pilot program created by this subsection (f-5).

1 (g) All institutions and facilities of the Department shall
2 permit religious ministrations and sacraments to be available
3 to every committed person, but attendance at religious services
4 shall not be required.

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

9 (i) All institutions and facilities of the Department shall
10 permit a committed person to possess and use condoms. A
11 committed person may not be denied any privileges or good
12 conduct credit because of the person's purchase, possession, or
13 use of condoms. Neither the Department nor an institution or
14 facility of the Department may declare condoms as contraband,
15 although the Department may limit the number of condoms in
16 unopened, original packaging that an inmate may possess at any
17 one time. By January 1, 2012 the Department shall develop a
18 plan to make condoms available at no cost according to
19 established public health practices and in a manner that
20 protects the health, safety and privacy of committed person and
21 correctional facility staff, and such plan may include vending
22 machines.

23 (Source: P.A. 96-869, eff. 1-21-10.)