



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4965

Introduced 2/5/2016, by Rep. Litesa E. Wallace

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-8-2

from Ch. 38, par. 1003-8-2

Amends the Unified Code of Corrections. Provides that upon arrival at a reception and classification center or an inmate's final destination, the Department of Corrections must provide the committed person with appropriate information in writing, verbally, by video or other electronic means concerning the procedure to request that the Department of Healthcare and Family Services suspend a committed person's payment of child support during his or her incarceration in a Department institution or facility if the committed person owes child support. Effective immediately.

LRB099 18133 RLC 42499 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 Section 3-8-2 as follows:

6 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

7 Sec. 3-8-2. Social Evaluation; physical examination;
8 HIV/AIDS; child support.

9 (a) A social evaluation shall be made of a committed
10 person's medical, psychological, educational and vocational
11 condition and history, including the use of alcohol and other
12 drugs, the circumstances of his offense, and such other
13 information as the Department may determine. The committed
14 person shall be assigned to an institution or facility in so
15 far as practicable in accordance with the social evaluation.
16 Recommendations shall be made for medical, dental,
17 psychiatric, psychological and social service treatment.

18 (b) A record of the social evaluation shall be entered in
19 the committed person's master record file and shall be
20 forwarded to the institution or facility to which the person is
21 assigned.

22 (c) Upon admission to a correctional institution each
23 committed person shall be given a physical examination. If he

1 is suspected of having a communicable disease that in the
2 judgment of the Department medical personnel requires medical
3 isolation, the committed person shall remain in medical
4 isolation until it is no longer deemed medically necessary.

5 (d) Upon arrival at a reception and classification center
6 or an inmate's final destination, the Department must provide
7 the committed person with appropriate information in writing,
8 verbally, by video or other electronic means concerning HIV and
9 AIDS. The Department shall develop the informational materials
10 in consultation with the Department of Public Health. At the
11 same time, the Department also must offer the committed person
12 the option of being tested, with no copayment, for infection
13 with human immunodeficiency virus (HIV). Pre-test information
14 shall be provided to the committed person and informed consent
15 obtained as required in subsection (q) of Section 3 and Section
16 5 of the AIDS Confidentiality Act. The Department may conduct
17 opt-out HIV testing as defined in Section 4 of the AIDS
18 Confidentiality Act. If the Department conducts opt-out HIV
19 testing, the Department shall place signs in English, Spanish
20 and other languages as needed in multiple, highly visible
21 locations in the area where HIV testing is conducted informing
22 inmates that they will be tested for HIV unless they refuse,
23 and refusal or acceptance of testing shall be documented in the
24 inmate's medical record. The Department shall follow
25 procedures established by the Department of Public Health to
26 conduct HIV testing and testing to confirm positive HIV test

1 results. All testing must be conducted by medical personnel,
2 but pre-test and other information may be provided by committed
3 persons who have received appropriate training. The
4 Department, in conjunction with the Department of Public
5 Health, shall develop a plan that complies with the AIDS
6 Confidentiality Act to deliver confidentially all positive or
7 negative HIV test results to inmates or former inmates. Nothing
8 in this Section shall require the Department to offer HIV
9 testing to an inmate who is known to be infected with HIV, or
10 who has been tested for HIV within the previous 180 days and
11 whose documented HIV test result is available to the Department
12 electronically. The testing provided under this subsection (d)
13 shall consist of a test approved by the Illinois Department of
14 Public Health to determine the presence of HIV infection, based
15 upon recommendations of the United States Centers for Disease
16 Control and Prevention. If the test result is positive, a
17 reliable supplemental test based upon recommendations of the
18 United States Centers for Disease Control and Prevention shall
19 be administered.

20 (e) Upon arrival at a reception and classification center
21 or an inmate's final destination, the Department must provide
22 the committed person with appropriate information in writing,
23 verbally, by video or other electronic means concerning the
24 procedure to request that the Department of Healthcare and
25 Family Services suspend a committed person's payment of child
26 support during his or her incarceration in a Department

1 institution or facility if the committed person owes child
2 support.

3 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;
4 97-813, eff. 7-13-12; 98-1046, eff. 1-1-15.)

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