

1                                    AMENDMENT TO HOUSE BILL 2847

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2847 as follows:  
3 by replacing everything after the enacting clause with the  
4 following:

5            "Section 5. The Unified Code of Corrections is amended  
6 by changing Section 3-6-2 as follows:

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

8            Sec. 3-6-2. Institutions and Facility Administration.

9            (a) Each institution and facility of the Department  
10 shall be administered by a chief administrative officer  
11 appointed by the Director. A chief administrative officer  
12 shall be responsible for all persons assigned to the  
13 institution or facility. The chief administrative officer  
14 shall administer the programs of the Department for the  
15 custody and treatment of such persons.

16            (b) The chief administrative officer shall have such  
17 assistants as the Department may assign.

18            (c) The Director or Assistant Director shall have the  
19 emergency powers to temporarily transfer individuals without  
20 formal procedures to any State, county, municipal or regional  
21 correctional or detention institution or facility in the  
22 State, subject to the acceptance of such receiving

1 institution or facility, or to designate any reasonably  
2 secure place in the State as such an institution or facility  
3 and to make transfers thereto. However, transfers made under  
4 emergency powers shall be reviewed as soon as practicable  
5 under Article 8, and shall be subject to Section 5-905 of the  
6 Juvenile Court Act of 1987. This Section shall not apply to  
7 transfers to the Department of Human Services which are  
8 provided for under Section 3-8-5 or Section 3-10-5.

9 (d) The Department shall provide educational programs  
10 for all committed persons so that all persons have an  
11 opportunity to attain the achievement level equivalent to the  
12 completion of the twelfth grade in the public school system  
13 in this State. Other higher levels of attainment shall be  
14 encouraged and professional instruction shall be maintained  
15 wherever possible. The Department may establish programs of  
16 mandatory education and may establish rules and regulations  
17 for the administration of such programs. A person committed  
18 to the Department who, during the period of his or her  
19 incarceration, participates in an educational program  
20 provided by or through the Department and through that  
21 program is awarded or earns the number of hours of credit  
22 required for the award of an associate, baccalaureate, or  
23 higher degree from a community college, college, or  
24 university located in Illinois shall reimburse the State,  
25 through the Department, for the costs incurred by the State  
26 in providing that person during his or her incarceration with  
27 the education that qualifies him or her for the award of that  
28 degree. The costs for which reimbursement is required under  
29 this subsection shall be determined and computed by the  
30 Department under rules and regulations that it shall  
31 establish for that purpose. However, interest at the rate of  
32 6% per annum shall be charged on the balance of those costs  
33 from time to time remaining unpaid, from the date of the  
34 person's parole, mandatory supervised release, or release

1 constituting a final termination of his or her commitment to  
2 the Department until paid.

3 (e) A person committed to the Department who becomes in  
4 need of medical or surgical treatment but is incapable of  
5 giving consent thereto shall receive such medical or surgical  
6 treatment by the chief administrative officer consenting on  
7 the person's behalf. Before the chief administrative officer  
8 consents, he or she shall obtain the advice of one or more  
9 physicians licensed to practice medicine in all its branches  
10 in this State. If such physician or physicians advise:

11 (1) that immediate medical or surgical treatment is  
12 required relative to a condition threatening to cause  
13 death, damage or impairment to bodily functions, or  
14 disfigurement; and

15 (2) that the person is not capable of giving  
16 consent to such treatment; the chief administrative  
17 officer may give consent for such medical or surgical  
18 treatment, and such consent shall be deemed to be the  
19 consent of the person for all purposes, including, but  
20 not limited to, the authority of a physician to give such  
21 treatment.

22 (f) In the event that the person requires medical care  
23 and treatment at a place other than the institution or  
24 facility, the person may be removed therefrom under  
25 conditions prescribed by the Department. The Department shall  
26 require the committed person receiving medical or dental  
27 services on a non-emergency basis to pay a \$2 co-payment to  
28 the Department for each visit for medical or dental services.  
29 The amount of each co-payment shall be deducted from the  
30 committed person's individual account. A committed person who  
31 has a chronic illness, as defined by Department rules and  
32 regulations, shall be exempt from the \$2 co-payment for  
33 treatment of the chronic illness. A committed person shall  
34 not be subject to a \$2 co-payment for follow-up visits

1 ordered by a physician, who is employed by, or contracts  
2 with, the Department. A committed person who is indigent is  
3 exempt from the \$2 co-payment and is entitled to receive  
4 medical or dental services on the same basis as a committed  
5 person who is financially able to afford the co-payment.  
6 Notwithstanding any other provision in this subsection (f) to  
7 the contrary, any person committed to any facility operated  
8 by the Juvenile Division, as set forth in subsection (b) of  
9 Section 3-2-5 of this Code, is exempt from the co-payment  
10 requirement for the duration of confinement in those  
11 facilities.

12 (g) Any person having sole custody of a child at the  
13 time of commitment or any woman giving birth to a child after  
14 her commitment, may arrange through the Department of  
15 Children and Family Services for suitable placement of the  
16 child outside of the Department of Corrections. The Director  
17 of the Department of Corrections may determine that there are  
18 special reasons why the child should continue in the custody  
19 of the mother until the child is 6 years old.

20 (h) The Department may provide Family Responsibility  
21 Services which may consist of, but not be limited to the  
22 following:

- 23 (1) family advocacy counseling;
- 24 (2) parent self-help group;
- 25 (3) parenting skills training;
- 26 (4) parent and child overnight program;
- 27 (5) parent and child reunification counseling,  
28 either separately or together, preceding the inmate's  
29 release; and
- 30 (6) a prerelease reunification staffing involving  
31 the family advocate, the inmate and the child's  
32 counselor, or both and the inmate.

33 (i) Prior to the release of any inmate who has a  
34 documented history of intravenous drug use, and upon the

1 receipt of that inmate's written informed consent, the  
2 Department shall provide for the testing of such inmate for  
3 infection with human immunodeficiency virus (HIV) and any  
4 other identified causative agent of acquired immunodeficiency  
5 syndrome (AIDS). The testing provided under this subsection  
6 shall consist of an enzyme-linked immunosorbent assay (ELISA)  
7 test or such other test as may be approved by the Illinois  
8 Department of Public Health. If the test result is positive,  
9 the Western Blot Assay or more reliable confirmatory test  
10 shall be administered. All inmates tested in accordance with  
11 the provisions of this subsection shall be provided with  
12 pre-test and post-test counseling. Notwithstanding any  
13 provision of this subsection to the contrary, the Department  
14 shall not be required to conduct the testing and counseling  
15 required by this subsection unless sufficient funds to cover  
16 all costs of such testing and counseling are appropriated for  
17 that purpose by the General Assembly.

18 (Source: P.A. 90-14, eff. 7-1-97; 90-590, eff. 1-1-99;  
19 91-912, eff. 7-7-00.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."