



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3316

Introduced 2/18/2025, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that the Department of Corrections Ombudsperson Bureau is established as a separate bureau within the Department of Corrections. Provides that the Governor shall appoint a Director of the Bureau within 30 days of the effective date of the amendatory Act. Provides that the Ombudsperson may receive, investigate, and attempt to resolve complaints that the Department: (1) violated a specific law, rule, or Department written policy; or (2) endangered the health or safety or any person. Provides that if the Ombudsperson discovers evidence that the Ombudsperson reasonably believes constitutes the commission of a crime, the Ombudsperson immediately shall, if the Ombudsperson considers it appropriate, inform the Director of the Department, who shall conduct an investigation. Provides that an Ombudsperson shall be given: (1) appropriate access to the records of an offender who files a complaint; and immediate access to any correctional facility administered or supervised by the Department. Amends the Criminal Code of 2012. Creates the offense of obstruction of the Ombudsperson. Provides that the offense is a Class A misdemeanor. Makes other changes.

LRB104 12030 RLC 22125 b

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 Criminal Code of 2012 is amended by adding
5 Section 31-10 as follows:

6 (720 ILCS 5/31-10 new)

7 Sec. 31-10. Obstruction of the Ombudsperson.

8 (a) A person commits obstruction of the Ombudsperson when
9 he or she:

10 (1) intentionally interferes with or prevents the
11 completion of the work of the Department of Corrections
12 Independent Ombudsperson described in Article 2.1 of
13 Chapter III of the Unified Code of Corrections;

14 (2) knowingly offers compensation to the Department of
15 Corrections Independent Ombudsperson in an effort to
16 affect the outcome of an investigation or a potential
17 investigation;

18 (3) knowingly or intentionally retaliates against an
19 offender or another person who provides information to the
20 Department of Corrections Independent Ombudsperson; or

21 (4) makes threats because of an investigation or
22 potential investigation against:

23 (A) the Department of Corrections Independent

1 Ombudsperson;

2 (B) a person who has filed a complaint; or

3 (C) a person who provides information to the
4 Department of Corrections Independent Ombudsperson.

5 (b) Sentence. Obstruction of the Ombudsperson is a Class A
6 misdemeanor.

7 Section 10. The Unified Code of Corrections is amended by
8 adding Article 2.1 to Chapter III as follows:

9 (730 ILCS 5/Ch. III Art. 2.1 heading new)

10 ARTICLE 2.1. DEPARTMENT OF CORRECTIONS INDEPENDENT

11 OMBUDSPERSON

12 (730 ILCS 5/3-2.1-1 new)

13 Sec. 3-2.1-1. Short title. This Article may be cited as
14 the Department of Corrections Independent Ombudsperson Law.

15 (730 ILCS 5/3-2.1-5 new)

16 Sec. 3-2.1-5. Definitions. In this Article:

17 "Bureau" means the Department of Corrections
18 Ombudsperson Bureau established in this Article, including
19 persons approved to act in the capacity of Ombudsperson by
20 the Bureau.

21 "Department" means the Department of Corrections.

22 "Ombudsperson" means an employee of the Bureau who

1 investigates and resolves complaints that the Department
2 endangered the health and safety of any person or that the
3 Department violated specific laws, rules, or written
4 policies.

5 (730 ILCS 5/3-2.1-10 new)

6 Sec. 3-2.1-10. Department of Corrections Ombudsperson
7 Bureau. The Department of Corrections Ombudsperson Bureau is
8 established as a separate bureau within the Department.

9 (730 ILCS 5/3-2.1-15 new)

10 Sec. 3-2.1-15. Director of the Bureau; employees.

11 (a) The Governor shall appoint a Director of the Bureau
12 within 30 days of the effective date of this amendatory Act of
13 the 104th General Assembly. The Governor shall appoint a
14 successor Director within 30 days after a vacancy occurs in
15 the position of the director. The Director shall serve at the
16 pleasure of the Governor.

17 (b) The Director may employ technical experts and other
18 employees to carry out the purposes of this Article. The
19 Director may not hire a person to serve as an Ombudsperson who
20 has been employed by the Department during the proceeding
21 year.

22 (c) The Department shall provide and maintain office space
23 for the Bureau.

(730 ILCS 5/3-2.1-20 new)

Sec. 3-2.1-20. Powers of Ombudsperson.

(a) The Ombudsperson may receive, investigate, and attempt to resolve complaints that the Department:

(1) violated a specific law, rule, or Department written policy; or

(2) endangered the health or safety of any person.

However, the Ombudsperson shall not investigate a complaint from an employee of the Department that relates to the employee's employment relationship with the Department. The Ombudsperson shall not investigate complaints alleging violations of the State Officials and Employees Ethics Act. If the Ombudsperson determines that a possible violation of the State Officials and Employees Ethics Act has occurred, he or she shall immediately refer the incident to the Office of the Inspector General.

(b) At the conclusion of an investigation of a complaint, the Ombudsperson shall report his or her findings to the complainant.

(c) If the Ombudsperson does not investigate a complaint, the Ombudsperson shall notify the complainant of the decision not to investigate and the reasons for the decision.

(d) The Ombudsperson shall create a monthly report that includes a summary of the findings of all substantiated complaints.

(e) The Ombudsperson may conduct investigations of alleged

1 violations of Department policy, State or federal laws, and
2 Department rules at any Department facility.

3 (f) The Ombudsperson may recommend changes to the Director
4 of the Department concerning Department policies or practices
5 based upon information learned or observations made by the
6 Ombudsperson during the course of an investigation.

7 (g) If the Ombudsperson discovers evidence that the
8 Ombudsperson reasonably believes constitutes the commission of
9 a crime, the Ombudsperson immediately shall, if the
10 Ombudsperson considers it appropriate, inform the Director of
11 the Department, who shall conduct an investigation. If, after
12 conducting the investigation, the Director has reasonable
13 suspicion to believe that a crime has been committed, the
14 Director shall:

15 (1) if the crime involves any person who is not an
16 offender, immediately report the crime to an appropriate
17 law enforcement agency; and

18 (2) if no person other than the offender is involved
19 in the crime, immediately report the crime to an
20 appropriate law enforcement agency if the Director
21 believes that the prison disciplinary process is not
22 appropriate.

23 (730 ILCS 5/3-2.1-25 new)

24 Sec. 3-2.1-25. Access to records and facilities.

25 (a) An Ombudsperson shall be given:

1 (1) appropriate access to the records of an offender
2 who files a complaint under this Article; and

3 (2) immediate access to any correctional facility
4 administered or supervised by the Department.

5 (b) A State or local government agency or entity that has
6 records that are relevant to a complaint or an investigation
7 conducted by the Ombudsperson shall provide the Ombudsperson
8 with access to the records.

9 (c) A person is immune from:

10 (1) civil or criminal liability; and

11 (2) actions taken under a professional disciplinary
12 procedure dealing with an employee of the Department.

13 (730 ILCS 5/3-2.1-30 new)

14 Sec. 3-2.1-30. Duties of Ombudsperson.

15 (a) The Ombudsperson shall:

16 (1) establish procedures to receive and investigate
17 complaints;

18 (2) establish access controls for all information
19 maintained by the Bureau; and

20 (3) except as is necessary to investigate and resolve
21 a complaint, ensure that the identity of a complainant
22 will not be disclosed without:

23 (A) the complainant's written consent; or

24 (B) a court order.

25 (b) The correspondence and communication between the

1 Ombudsperson and any person is a privileged communication.

2 (730 ILCS 5/3-2.1-35 new)

3 Sec. 3-2.1-35. Rulemaking; liability.

4 (a) The Bureau may adopt rules to carry out its duties
5 under this Article.

6 (b) The Ombudsperson is not civilly liable for the good
7 faith performance of official duties.

8 (730 ILCS 5/3-2.1-40 new)

9 Sec. 3-2.1-40. Reporting. The Director of the Bureau shall
10 prepare a report each year on the operations of the Bureau. A
11 copy of the report shall be provided to the Governor, the
12 General Assembly, and the Director of the Department.

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/31-10 new

4 730 ILCS 5/Art. Ch. III

5 Art. 2.1 heading new

6 730 ILCS 5/3-2.1-1 new

7 730 ILCS 5/3-2.1-5 new

8 730 ILCS 5/3-2.1-10 new

9 730 ILCS 5/3-2.1-15 new

10 730 ILCS 5/3-2.1-20 new

11 730 ILCS 5/3-2.1-25 new

12 730 ILCS 5/3-2.1-30 new

13 730 ILCS 5/3-2.1-35 new

14 730 ILCS 5/3-2.1-40 new