

# HB3362



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB3362**

Introduced 2/18/2025, by Rep. Kelly M. Cassidy

#### 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 not deny the distribution of original physical mail to committed persons after such incoming mail has undergone inspection and it has been determined that the mail does not pose a threat to the security or safety of the institution or facility, personnel of the Department, or committed persons. Defines a threat to the security or safety of the institution or facility.

LRB104 08532 RLC 18584 b

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  
9 shall 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  
14 that the Director deems pornographic.

15 (b) (Blank).

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

22 (d) All institutions and facilities of the Department  
23 shall provide every committed person with a wholesome and

1 nutritional diet at regularly scheduled hours, drinking water,  
2 clothing adequate for the season, including underwear,  
3 bedding, soap, ~~and~~ towels, and medical and dental care.  
4 Underwear provided to each committed person in all  
5 institutions and facilities of the Department shall be free of  
6 charge and shall be provided at any time upon request,  
7 including multiple requests, of the committed person or as  
8 needed by the committed person.

9 (e) All institutions and facilities of the Department  
10 shall permit every committed person to send and receive an  
11 unlimited number of uncensored letters, provided, however,  
12 that the Director may order that mail be inspected and read for  
13 reasons of the security, safety, or morale of the institution  
14 or facility. All institutions and facilities of the Department  
15 shall not deny the distribution of original physical mail to  
16 committed persons after such incoming mail has undergone  
17 inspection and it has been determined that the mail does not  
18 pose a threat to the security or safety of the institution or  
19 facility, personnel of the Department, or committed persons. A  
20 threat to the security or safety of the institution or  
21 facility is defined as any of the following:

22 (1) the letter contains threats of physical harm  
23 against any person or threats of criminal activity;

24 (2) the letter contains threats of blackmail or  
25 extortion;

26 (3) the letter contains information regarding sending

1 contraband into or out of the facility, plans to escape,  
2 or plans to engage in criminal activity;

3 (4) the letter is in code and its contents cannot be  
4 understood by correctional staff;

5 (5) the letter violates any departmental rules or  
6 contains plans to engage in activities in violation of  
7 departmental or institutional rules;

8 (6) the letter contains unauthorized correspondence  
9 with another person who is incarcerated; or

10 (7) the letter or contents of the letter constitute a  
11 violation of State or federal law.

12 (f) All of the institutions and facilities of the  
13 Department shall permit every committed person to receive  
14 in-person visitors and video contact, if available, except in  
15 case of abuse of the visiting privilege or when the chief  
16 administrative officer determines that such visiting would be  
17 harmful or dangerous to the security, safety or morale of the  
18 institution or facility. Each committed person is entitled to  
19 7 visits per month. Every committed person may submit a list of  
20 at least 30 persons to the Department that are authorized to  
21 visit the committed person. The list shall be kept in an  
22 electronic format by the Department beginning on August 1,  
23 2019, as well as available in paper form for Department  
24 employees. The chief administrative officer shall have the  
25 right to restrict visitation to non-contact visits, video, or  
26 other forms of non-contact visits for reasons of safety,

1 security, and order, including, but not limited to,  
2 restricting contact visits for committed persons engaged in  
3 gang activity. No committed person in a super maximum security  
4 facility or on disciplinary segregation is allowed contact  
5 visits. Any committed person found in possession of illegal  
6 drugs or who fails a drug test shall not be permitted contact  
7 visits for a period of at least 6 months. Any committed person  
8 involved in gang activities or found guilty of assault  
9 committed against a Department employee shall not be permitted  
10 contact visits for a period of at least 6 months. The  
11 Department shall offer every visitor appropriate written  
12 information concerning HIV and AIDS, including information  
13 concerning how to contact the Illinois Department of Public  
14 Health for counseling information. The Department shall  
15 develop the written materials in consultation with the  
16 Department of Public Health. The Department shall ensure that  
17 all such information and materials are culturally sensitive  
18 and reflect cultural diversity as appropriate. Implementation  
19 of the changes made to this Section by Public Act 94-629 is  
20 subject to appropriation. The Department shall seek the lowest  
21 possible cost to provide video calling and shall charge to the  
22 extent of recovering any demonstrated costs of providing video  
23 calling. The Department shall not make a commission or profit  
24 from video calling services. Nothing in this Section shall be  
25 construed to permit video calling instead of in-person  
26 visitation.

1 (f-5) (Blank).

2 (f-10) The Department may not restrict or limit in-person  
3 visits to committed persons due to the availability of  
4 interactive video conferences.

5 (f-15) (1) The Department shall issue a standard written  
6 policy for each institution and facility of the Department  
7 that provides for:

8 (A) the number of in-person visits each committed  
9 person is entitled to per week and per month including the  
10 requirements of subsection (f) of this Section;

11 (B) the hours of in-person visits;

12 (C) the type of identification required for visitors  
13 at least 18 years of age; and

14 (D) the type of identification, if any, required for  
15 visitors under 18 years of age.

16 (2) This policy shall be posted on the Department website  
17 and at each facility.

18 (3) The Department shall post on its website daily any  
19 restrictions or denials of visitation for that day and the  
20 succeeding 5 calendar days, including those based on a  
21 lockdown of the facility, to inform family members and other  
22 visitors.

23 (g) All institutions and facilities of the Department  
24 shall permit religious ministrations and sacraments to be  
25 available to every committed person, but attendance at  
26 religious services shall not be required. This subsection (g)

1 is subject to the provisions of the Faith Behind Bars Act.

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

6 (i) A point of contact person appointed under subsection  
7 (u-6) of Section 3-2-2 of this Code shall promptly and  
8 efficiently review suggestions, complaints, and other requests  
9 made by visitors to institutions and facilities of the  
10 Department and by other members of the public. Based on the  
11 nature of the submission, the point of contact person shall  
12 communicate with the appropriate division of the Department,  
13 disseminate the concern or complaint, and act as liaison  
14 between the parties to reach a resolution.

15 (1) The point of contact person shall maintain  
16 information about the subject matter of each  
17 correspondence, including, but not limited to, information  
18 about the following subjects:

19 (A) the parties making the submission;

20 (B) any commissary-related concerns;

21 (C) any concerns about the institution or  
22 facility's COVID-19 ~~COVID~~ protocols and mitigations;

23 (D) any concerns about mail, video, or electronic  
24 messages or other communications with incarcerated  
25 persons;

26 (E) any concerns about the institution or

- 1 facility;
- 2 (F) any discipline-related concerns;
- 3 (G) any concerns about earned sentencing credits;
- 4 (H) any concerns about educational opportunities
- 5 for incarcerated persons;
- 6 (I) any concerns about health-related matters;
- 7 (J) any mental health concerns;
- 8 (K) any concerns about personal property;
- 9 (L) any concerns about the records of the
- 10 incarcerated person;
- 11 (M) any concerns about recreational opportunities
- 12 for incarcerated persons;
- 13 (N) any staffing-related concerns;
- 14 (O) any concerns about the transfer of individuals
- 15 in custody;
- 16 (P) any concerns about visitation; and
- 17 (Q) any concerns about work opportunities for
- 18 incarcerated persons.

19 The information shall be maintained in accordance with

20 standards set by the Department of Corrections, and shall

21 be made available to the Department's Planning and

22 Research Division. The point of contact person shall

23 provide a summary of the results of the review, including

24 any resolution or recommendations made as a result of

25 correspondence with the Planning and Research Division of

26 the Department.

1           (2) The Department shall provide an annual written  
2 report to the General Assembly and the Governor, with the  
3 first report due no later than January 1, 2023, and  
4 publish the report on its website within 48 hours after  
5 the report is transmitted to the Governor and the General  
6 Assembly. The report shall include a summary of activities  
7 undertaken and completed as a result of submissions to the  
8 point of contact person. The Department of Corrections  
9 shall collect and report the following aggregated and  
10 disaggregated data for each institution and facility and  
11 describe:

12                   (A) the work of the point of contact person;

13                   (B) the general nature of suggestions, complaints,  
14 and other requests submitted to the point of contact  
15 person;

16                   (C) the volume of emails, calls, letters, and  
17 other correspondence received by the point of contact  
18 person;

19                   (D) the resolutions reached or recommendations  
20 made as a result of the point of contact person's  
21 review;

22                   (E) whether, if an investigation is recommended, a  
23 report of the complaint was forwarded to the Chief  
24 Inspector of the Department or other Department  
25 employee, and the resolution of the complaint, and if  
26 the investigation has not concluded, a detailed status

1 report on the complaint; and

2 (F) any recommendations that the point of contact  
3 person has relating to systemic issues in the  
4 Department of Corrections, and any other matters for  
5 consideration by the General Assembly and the  
6 Governor.

7 The name, address, or other personally identifiable  
8 information of a person who files a complaint, suggestion,  
9 or other request with the point of contact person, and  
10 confidential records shall be redacted from the annual  
11 report and are not subject to disclosure under the Freedom  
12 of Information Act. The Department shall disclose the  
13 records only if required by a court order on a showing of  
14 good cause.

15 (3) The Department must post in a conspicuous place in  
16 the waiting area of every facility or institution a sign  
17 that contains in bold, black type the following:

18 (A) a short statement notifying visitors of the  
19 point of contact person and that person's duty to  
20 receive suggestions, complaints, or other requests;  
21 and

22 (B) information on how to submit suggestions,  
23 complaints, or other requests to the point of contact  
24 person.

25 (j) Menstrual hygiene products shall be available, as  
26 needed, free of charge, at all institutions and facilities of

1 the Department for all committed persons who menstruate. In  
2 this subsection (j), "menstrual hygiene products" means  
3 tampons and sanitary napkins for use in connection with the  
4 menstrual cycle.

5 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;  
6 103-154, eff. 6-30-23; 103-331, eff. 1-1-24; revised 7-22-24.)