

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 3-2-2 as follows:

6 (730 ILCS 5/3-2-2)

7 Sec. 3-2-2. Powers and duties of the Department.

8 (1) In addition to the powers, duties, and
9 responsibilities which are otherwise provided by law, the
10 Department shall have the following powers:

11 (a) To accept persons committed to it by the courts of
12 this State for care, custody, treatment, and
13 rehabilitation, and to accept federal prisoners and
14 noncitizens over whom the Office of the Federal Detention
15 Trustee is authorized to exercise the federal detention
16 function for limited purposes and periods of time.

17 (b) To develop and maintain reception and evaluation
18 units for purposes of analyzing the custody and
19 rehabilitation needs of persons committed to it and to
20 assign such persons to institutions and programs under its
21 control or transfer them to other appropriate agencies. In
22 consultation with the Department of Alcoholism and
23 Substance Abuse (now the Department of Human Services),

1 the Department of Corrections shall develop a master plan
2 for the screening and evaluation of persons committed to
3 its custody who have alcohol or drug abuse problems, and
4 for making appropriate treatment available to such
5 persons; the Department shall report to the General
6 Assembly on such plan not later than April 1, 1987. The
7 maintenance and implementation of such plan shall be
8 contingent upon the availability of funds.

9 (b-1) To create and implement, on January 1, 2002, a
10 pilot program to establish the effectiveness of
11 pupillometer technology (the measurement of the pupil's
12 reaction to light) as an alternative to a urine test for
13 purposes of screening and evaluating persons committed to
14 its custody who have alcohol or drug problems. The pilot
15 program shall require the pupillometer technology to be
16 used in at least one Department of Corrections facility.
17 The Director may expand the pilot program to include an
18 additional facility or facilities as he or she deems
19 appropriate. A minimum of 4,000 tests shall be included in
20 the pilot program. The Department must report to the
21 General Assembly on the effectiveness of the program by
22 January 1, 2003.

23 (b-5) To develop, in consultation with the Illinois
24 State Police, a program for tracking and evaluating each
25 inmate from commitment through release for recording his
26 or her gang affiliations, activities, or ranks.

1 (b-10) To create and implement, on January 1, 2027, a
2 pilot program to establish the effectiveness of
3 long-acting injectable medications for opioid use
4 disorders when clinically appropriate for persons
5 committed to its custody who suffer from opioid use
6 disorders.

7 The pilot program shall provide long-acting injectable
8 medications for opioid use disorder, when clinically
9 appropriate, to not fewer than 3,000 individuals in the
10 custody of the Department and shall be implemented in at
11 least one Department facility. The Director may expand the
12 pilot program to include additional facilities and
13 participants as he or she deems appropriate.

14 The Department shall design and operate the pilot
15 program in accordance with established and nationally
16 recognized clinical guidelines, protocols, and standards
17 for the treatment of opioid use disorder using long-acting
18 injectable medications.

19 The pilot program shall be funded using opioid
20 settlement funds allocated to the Department. The
21 Department shall not commence implementation of the pilot
22 program unless and until sufficient opioid settlement
23 funds have been secured to fully implement the program and
24 to ensure that individuals participating in the pilot
25 program may receive the full course of treatment
26 clinically indicated.

1 The Department shall ensure that, prior to the release
2 of a person participating in the pilot program, the person
3 is connected to an appropriate provider or treatment site
4 in the geographic region in which the person will reside
5 after release, that an appointment for continued treatment
6 is scheduled with that provider or site, and that relevant
7 medical and treatment information is shared with the
8 receiving provider to support continuity of care.

9 The Department shall establish and publicly post
10 eligibility criteria and a selection process for
11 participation in the pilot program. Eligibility criteria
12 shall be based on clinical need, medical appropriateness,
13 and operational considerations, consistent with nationally
14 recognized clinical guidelines.

15 The Department shall ensure that participation in the
16 pilot program is offered in an equitable and transparent
17 manner across facilities. If the number of eligible
18 individuals exceeds program capacity, the Department shall
19 use a fair and objective selection methodology, which may
20 include prioritization based on clinical need or a
21 randomized selection process.

22 The Department shall document the basis for inclusion
23 or non-inclusion of eligible individuals and shall make
24 aggregate information regarding eligibility and selection
25 available to the General Assembly upon request.

26 The Department shall contract with an independent

1 research organization, public university, or other
2 qualified third-party evaluator to conduct an independent
3 evaluation of the pilot program. The evaluation shall
4 assess the effectiveness of the pilot program and shall
5 include, at a minimum, analysis of the following metrics
6 for individuals participating in the program:

7 (1) continuity of treatment for opioid use
8 disorder during incarceration and following release;

9 (2) post-release connection to community-based
10 treatment providers;

11 (3) rates of overdose, including fatal and
12 nonfatal overdose, following release;

13 (4) rates of re-arrest, re-incarceration, or other
14 recidivism outcomes;

15 (5) participant engagement with treatment and
16 recovery services following release;

17 (6) institutional safety indicators within
18 participating facilities; and

19 (7) the costs and cost-effectiveness of the pilot
20 program.

21 The Department shall provide the evaluator with access
22 to relevant program and administrative data necessary to
23 complete the evaluation, subject to applicable privacy
24 protections. The independent evaluator shall prepare a
25 report summarizing the findings of the evaluation and
26 shall submit the report to the Department and the General

1 Assembly no later than January 1, 2029.

2 (c) To maintain and administer all State correctional
3 institutions and facilities under its control and to
4 establish new ones as needed. Pursuant to its power to
5 establish new institutions and facilities, the Department
6 may, with the written approval of the Governor, authorize
7 the Department of Central Management Services to enter
8 into an agreement of the type described in subsection (d)
9 of Section 405-300 of the Department of Central Management
10 Services Law. The Department shall designate those
11 institutions which shall constitute the State Penitentiary
12 System. The Department of Juvenile Justice shall maintain
13 and administer all State youth centers pursuant to
14 subsection (d) of Section 3-2.5-20.

15 Pursuant to its power to establish new institutions
16 and facilities, the Department may authorize the
17 Department of Central Management Services to accept bids
18 from counties and municipalities for the construction,
19 remodeling, or conversion of a structure to be leased to
20 the Department of Corrections for the purposes of its
21 serving as a correctional institution or facility. Such
22 construction, remodeling, or conversion may be financed
23 with revenue bonds issued pursuant to the Industrial
24 Building Revenue Bond Act by the municipality or county.
25 The lease specified in a bid shall be for a term of not
26 less than the time needed to retire any revenue bonds used

1 to finance the project, but not to exceed 40 years. The
2 lease may grant to the State the option to purchase the
3 structure outright.

4 Upon receipt of the bids, the Department may certify
5 one or more of the bids and shall submit any such bids to
6 the General Assembly for approval. Upon approval of a bid
7 by a constitutional majority of both houses of the General
8 Assembly, pursuant to joint resolution, the Department of
9 Central Management Services may enter into an agreement
10 with the county or municipality pursuant to such bid.

11 (c-5) To build and maintain regional juvenile
12 detention centers and to charge a per diem to the counties
13 as established by the Department to defray the costs of
14 housing each minor in a center. In this subsection (c-5),
15 "juvenile detention center" means a facility to house
16 minors during pendency of trial who have been transferred
17 from proceedings under the Juvenile Court Act of 1987 to
18 prosecutions under the criminal laws of this State in
19 accordance with Section 5-805 of the Juvenile Court Act of
20 1987, whether the transfer was by operation of law or
21 permissive under that Section. The Department shall
22 designate the counties to be served by each regional
23 juvenile detention center.

24 (d) To develop and maintain programs of control,
25 rehabilitation, and employment of committed persons within
26 its institutions.

1 (d-5) To provide a pre-release job preparation program
2 for inmates at Illinois adult correctional centers.

3 (d-10) To provide educational and visitation
4 opportunities to committed persons within its institutions
5 through temporary access to content-controlled tablets
6 that may be provided as a privilege to committed persons
7 to induce or reward compliance.

8 (e) To establish a system of supervision and guidance
9 of committed persons in the community.

10 (f) To establish in cooperation with the Department of
11 Transportation to supply a sufficient number of prisoners
12 for use by the Department of Transportation to clean up
13 the trash and garbage along State, county, township, or
14 municipal highways as designated by the Department of
15 Transportation. The Department of Corrections, at the
16 request of the Department of Transportation, shall furnish
17 such prisoners at least annually for a period to be agreed
18 upon between the Director of Corrections and the Secretary
19 of Transportation. The prisoners used on this program
20 shall be selected by the Director of Corrections on
21 whatever basis he deems proper in consideration of their
22 term, behavior and earned eligibility to participate in
23 such program - where they will be outside of the prison
24 facility but still in the custody of the Department of
25 Corrections. Prisoners convicted of first degree murder,
26 or a Class X felony, or armed violence, or aggravated

1 kidnapping, or criminal sexual assault, aggravated
2 criminal sexual abuse or a subsequent conviction for
3 criminal sexual abuse, or forcible detention, or arson, or
4 a prisoner adjudged a Habitual Criminal shall not be
5 eligible for selection to participate in such program. The
6 prisoners shall remain as prisoners in the custody of the
7 Department of Corrections and such Department shall
8 furnish whatever security is necessary. The Department of
9 Transportation shall furnish trucks and equipment for the
10 highway cleanup program and personnel to supervise and
11 direct the program. Neither the Department of Corrections
12 nor the Department of Transportation shall replace any
13 regular employee with a prisoner.

14 (g) To maintain records of persons committed to it and
15 to establish programs of research, statistics, and
16 planning.

17 (h) To investigate the grievances of any person
18 committed to the Department and to inquire into any
19 alleged misconduct by employees or committed persons; and
20 for these purposes it may issue subpoenas and compel the
21 attendance of witnesses and the production of writings and
22 papers, and may examine under oath any witnesses who may
23 appear before it; to also investigate alleged violations
24 of a parolee's or releasee's conditions of parole or
25 release; and for this purpose it may issue subpoenas and
26 compel the attendance of witnesses and the production of

1 documents only if there is reason to believe that such
2 procedures would provide evidence that such violations
3 have occurred.

4 If any person fails to obey a subpoena issued under
5 this subsection, the Director may apply to any circuit
6 court to secure compliance with the subpoena. The failure
7 to comply with the order of the court issued in response
8 thereto shall be punishable as contempt of court.

9 (i) To appoint and remove the chief administrative
10 officers, and administer programs of training and
11 development of personnel of the Department. Personnel
12 assigned by the Department to be responsible for the
13 custody and control of committed persons or to investigate
14 the alleged misconduct of committed persons or employees
15 or alleged violations of a parolee's or releasee's
16 conditions of parole shall be conservators of the peace
17 for those purposes, and shall have the full power of peace
18 officers outside of the facilities of the Department in
19 the protection, arrest, retaking, and reconfining of
20 committed persons or where the exercise of such power is
21 necessary to the investigation of such misconduct or
22 violations. This subsection shall not apply to persons
23 committed to the Department of Juvenile Justice under the
24 Juvenile Court Act of 1987 on aftercare release.

25 (j) To cooperate with other departments and agencies
26 and with local communities for the development of

1 standards and programs for better correctional services in
2 this State.

3 (k) To administer all moneys and properties of the
4 Department.

5 (l) To report annually to the Governor on the
6 committed persons, institutions, and programs of the
7 Department.

8 (l-5) (Blank).

9 (m) To make all rules and regulations and exercise all
10 powers and duties vested by law in the Department.

11 (n) To establish rules and regulations for
12 administering a system of sentence credits, established in
13 accordance with Section 3-6-3, subject to review by the
14 Prisoner Review Board.

15 (o) To administer the distribution of funds from the
16 State Treasury to reimburse counties where State penal
17 institutions are located for the payment of assistant
18 state's attorneys' salaries under Section 4-2001 of the
19 Counties Code.

20 (p) To exchange information with the Department of
21 Human Services and the Department of Healthcare and Family
22 Services for the purpose of verifying living arrangements
23 and for other purposes directly connected with the
24 administration of this Code and the Illinois Public Aid
25 Code.

26 (q) To establish a diversion program.

1 The program shall provide a structured environment for
2 selected technical parole or mandatory supervised release
3 violators and committed persons who have violated the
4 rules governing their conduct while in work release. This
5 program shall not apply to those persons who have
6 committed a new offense while serving on parole or
7 mandatory supervised release or while committed to work
8 release.

9 Elements of the program shall include, but shall not
10 be limited to, the following:

11 (1) The staff of a diversion facility shall
12 provide supervision in accordance with required
13 objectives set by the facility.

14 (2) Participants shall be required to maintain
15 employment.

16 (3) Each participant shall pay for room and board
17 at the facility on a sliding-scale basis according to
18 the participant's income.

19 (4) Each participant shall:

20 (A) provide restitution to victims in
21 accordance with any court order;

22 (B) provide financial support to his
23 dependents; and

24 (C) make appropriate payments toward any other
25 court-ordered obligations.

26 (5) Each participant shall complete community

1 service in addition to employment.

2 (6) Participants shall take part in such
3 counseling, educational, and other programs as the
4 Department may deem appropriate.

5 (7) Participants shall submit to drug and alcohol
6 screening.

7 (8) The Department shall promulgate rules
8 governing the administration of the program.

9 (r) To enter into intergovernmental cooperation
10 agreements under which persons in the custody of the
11 Department may participate in a county impact
12 incarceration program established under Section 3-6038 or
13 3-15003.5 of the Counties Code.

14 (r-5) (Blank).

15 (r-10) To systematically and routinely identify with
16 respect to each streetgang active within the correctional
17 system: (1) each active gang; (2) every existing
18 inter-gang affiliation or alliance; and (3) the current
19 leaders in each gang. The Department shall promptly
20 segregate leaders from inmates who belong to their gangs
21 and allied gangs. "Segregate" means no physical contact
22 and, to the extent possible under the conditions and space
23 available at the correctional facility, prohibition of
24 visual and sound communication. For the purposes of this
25 paragraph (r-10), "leaders" means persons who:

26 (i) are members of a criminal streetgang;

1 (ii) with respect to other individuals within the
2 streetgang, occupy a position of organizer,
3 supervisor, or other position of management or
4 leadership; and

5 (iii) are actively and personally engaged in
6 directing, ordering, authorizing, or requesting
7 commission of criminal acts by others, which are
8 punishable as a felony, in furtherance of streetgang
9 related activity both within and outside of the
10 Department of Corrections.

11 "Streetgang", "gang", and "streetgang related" have the
12 meanings ascribed to them in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (s) To operate a super-maximum security institution,
15 in order to manage and supervise inmates who are
16 disruptive or dangerous and provide for the safety and
17 security of the staff and the other inmates.

18 (t) To monitor any unprivileged conversation or any
19 unprivileged communication, whether in person or by mail,
20 telephone, or other means, between an inmate who, before
21 commitment to the Department, was a member of an organized
22 gang and any other person without the need to show cause or
23 satisfy any other requirement of law before beginning the
24 monitoring, except as constitutionally required. The
25 monitoring may be by video, voice, or other method of
26 recording or by any other means. As used in this

1 subdivision (1)(t), "organized gang" has the meaning
2 ascribed to it in Section 10 of the Illinois Streetgang
3 Terrorism Omnibus Prevention Act.

4 As used in this subdivision (1)(t), "unprivileged
5 conversation" or "unprivileged communication" means a
6 conversation or communication that is not protected by any
7 privilege recognized by law or by decision, rule, or order
8 of the Illinois Supreme Court.

9 (u) To establish a Women's and Children's Pre-release
10 Community Supervision Program for the purpose of providing
11 housing and services to eligible female inmates, as
12 determined by the Department, and their newborn and young
13 children.

14 (u-5) To issue an order, whenever a person committed
15 to the Department absconds or absents himself or herself,
16 without authority to do so, from any facility or program
17 to which he or she is assigned. The order shall be
18 certified by the Director, the Supervisor of the
19 Apprehension Unit, or any person duly designated by the
20 Director, with the seal of the Department affixed. The
21 order shall be directed to all sheriffs, coroners, and
22 police officers, or to any particular person named in the
23 order. Any order issued pursuant to this subdivision
24 (1)(u-5) shall be sufficient warrant for the officer or
25 person named in the order to arrest and deliver the
26 committed person to the proper correctional officials and

1 shall be executed the same as criminal process.

2 (u-6) To appoint a point of contact person who shall
3 receive suggestions, complaints, or other requests to the
4 Department from visitors to Department institutions or
5 facilities and from other members of the public.

6 (u-7) To collaborate with the Department of Human
7 Services and other State agencies to develop and implement
8 screening and follow-up protocols for intake and reentry
9 personnel and contractors on identification and response
10 to Department-involved individuals who demonstrate
11 indications of past labor or sex trafficking
12 victimization, criminal sexual exploitation or a history
13 of involvement in the sex trade that may put them at risk
14 of human trafficking. Protocols should include assessment
15 and provision of pre-release and post-release housing,
16 legal, medical, mental health and substance-use disorder
17 treatment services and recognize the specialized needs of
18 victims of human trafficking.

19 (u-8) To provide statewide training for Department of
20 Corrections intake and reentry personnel and contractors
21 on identification and response to Department-involved
22 individuals who demonstrate indications of past
23 trafficking victimization or child sexual exploitation
24 that put them at risk of human trafficking.

25 (u-9) To offer access to specialized services for
26 Department-involved individuals within the care that

1 demonstrate indications of past trafficking victimization
2 or child sexual exploitation that put them at risk of
3 trafficking. As used in this subsection, "specialized
4 services" means substance use ~~substance-use~~ disorder,
5 mental health, medical, case-management, housing, and
6 other support services by Department employees or
7 contractors who have completed victim-centered,
8 trauma-informed training specifically designed to address
9 the complex psychological ~~and~~ or physical needs of victims
10 of human trafficking, sexual exploitation, or a history of
11 involvement with the sex trade.

12 (v) To do all other acts necessary to carry out the
13 provisions of this Chapter.

14 (2) The Department of Corrections shall by January 1,
15 1998, consider building and operating a correctional facility
16 within 100 miles of a county of over 2,000,000 inhabitants,
17 especially a facility designed to house juvenile participants
18 in the impact incarceration program.

19 (3) When the Department lets bids for contracts for
20 medical services to be provided to persons committed to
21 Department facilities by a health maintenance organization,
22 medical service corporation, or other health care provider,
23 the bid may only be let to a health care provider that has
24 obtained an irrevocable letter of credit or performance bond
25 issued by a company whose bonds have an investment grade or
26 higher rating by a bond rating organization.

1 (3.5) If the Department has a contract with a pharmacy
2 benefit manager or a contract with an insurance company,
3 health maintenance organization, limited health service
4 organization, administrative services organization, or any
5 other managed care entity or health insurance issuer where a
6 pharmacy benefit manager administers the provider's coverage
7 of, payment for, or formulary design for drugs necessary to
8 safeguard the minor's life or health, the contract with the
9 pharmacy benefit manager and the pharmacy benefit manager's
10 activities shall be subject to Article XXXIIB of the Illinois
11 Insurance Code and the authority of the Director of Insurance
12 to enforce those provisions. The provider shall have all the
13 rights of a plan sponsor under those provisions.

14 (4) When the Department lets bids for contracts for food
15 or commissary services to be provided to Department
16 facilities, the bid may only be let to a food or commissary
17 services provider that has obtained an irrevocable letter of
18 credit or performance bond issued by a company whose bonds
19 have an investment grade or higher rating by a bond rating
20 organization.

21 (5) On and after the date 6 months after August 16, 2013
22 (the effective date of Public Act 98-488), as provided in the
23 Executive Order 1 (2012) Implementation Act, all of the
24 powers, duties, rights, and responsibilities related to State
25 healthcare purchasing under this Code that were transferred
26 from the Department of Corrections to the Department of

1 Healthcare and Family Services by Executive Order 3 (2005) are
2 transferred back to the Department of Corrections; however,
3 powers, duties, rights, and responsibilities related to State
4 healthcare purchasing under this Code that were exercised by
5 the Department of Corrections before the effective date of
6 Executive Order 3 (2005) but that pertain to individuals
7 resident in facilities operated by the Department of Juvenile
8 Justice are transferred to the Department of Juvenile Justice.

9 (6) The Department of Corrections shall provide lactation
10 or nursing mothers rooms for personnel of the Department. The
11 rooms shall be provided in each facility of the Department
12 that employs nursing mothers. Each individual lactation room
13 must:

14 (i) contain doors that lock;

15 (ii) have an "Occupied" sign for each door;

16 (iii) contain electrical outlets for plugging in
17 breast pumps;

18 (iv) have sufficient lighting and ventilation;

19 (v) contain comfortable chairs;

20 (vi) contain a countertop or table for all necessary
21 supplies for lactation;

22 (vii) contain a wastebasket and chemical cleaners to
23 wash one's hands and to clean the surfaces of the
24 countertop or table;

25 (viii) have a functional sink;

26 (ix) have a minimum of one refrigerator for storage of

1 the breast milk; and

2 (x) receive routine daily maintenance.

3 (Source: P.A. 103-834, eff. 1-1-25; 104-27, eff. 1-1-26;

4 104-159, eff. 1-1-26; revised 11-21-25.)