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1 AMENDMENT TO HOUSE BILL 4708

2 AMENDMENT NO. _____. Amend House Bill 4708 by replacing
3 everything after the enacting clause with the following:

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.

1 (b) To develop and maintain reception and evaluation
2 units for purposes of analyzing the custody and
3 rehabilitation needs of persons committed to it and to
4 assign such persons to institutions and programs under its
5 control or transfer them to other appropriate agencies. In
6 consultation with the Department of Alcoholism and
7 Substance Abuse (now the Department of Human Services),
8 the Department of Corrections shall develop a master plan
9 for the screening and evaluation of persons committed to
10 its custody who have alcohol or drug abuse problems, and
11 for making appropriate treatment available to such
12 persons; the Department shall report to the General
13 Assembly on such plan not later than April 1, 1987. The
14 maintenance and implementation of such plan shall be
15 contingent upon the availability of funds.

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

1 the pilot program. The Department must report to the
2 General Assembly on the effectiveness of the program by
3 January 1, 2003.

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

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

14 The pilot program shall provide long-acting injectable
15 medications for opioid use disorder, when clinically
16 appropriate, to not fewer than 3,000 individuals in the
17 custody of the Department and shall be implemented in at
18 least one Department facility. The Director may expand the
19 pilot program to include additional facilities and
20 participants as he or she deems appropriate.

21 The Department shall design and operate the pilot
22 program in accordance with established and nationally
23 recognized clinical guidelines, protocols, and standards
24 for the treatment of opioid use disorder using long-acting
25 injectable medications.

26 The pilot program shall be funded using opioid

1 settlement funds allocated to the Department. The
2 Department shall not commence implementation of the pilot
3 program unless and until sufficient opioid settlement
4 funds have been secured to fully implement the program and
5 to ensure that individuals participating in the pilot
6 program may receive the full course of treatment
7 clinically indicated.

8 The Department shall ensure that, prior to the release
9 of a person participating in the pilot program, the person
10 is connected to an appropriate provider or treatment site
11 in the geographic region in which the person will reside
12 after release, that an appointment for continued treatment
13 is scheduled with that provider or site, and that relevant
14 medical and treatment information is shared with the
15 receiving provider to support continuity of care.

16 The Department shall establish and publicly post
17 eligibility criteria and a selection process for
18 participation in the pilot program. Eligibility criteria
19 shall be based on clinical need, medical appropriateness,
20 and operational considerations, consistent with nationally
21 recognized clinical guidelines.

22 The Department shall ensure that participation in the
23 pilot program is offered in an equitable and transparent
24 manner across facilities. If the number of eligible
25 individuals exceeds program capacity, the Department shall
26 use a fair and objective selection methodology, which may

1 include prioritization based on clinical need or a
2 randomized selection process.

3 The Department shall document the basis for inclusion
4 or non-inclusion of eligible individuals and shall make
5 aggregate information regarding eligibility and selection
6 available to the General Assembly upon request.

7 The Department shall contract with an independent
8 research organization, public university, or other
9 qualified third-party evaluator to conduct an independent
10 evaluation of the pilot program. The evaluation shall
11 assess the effectiveness of the pilot program and shall
12 include, at a minimum, analysis of the following metrics
13 for individuals participating in the program:

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

16 (2) post-release connection to community-based
17 treatment providers;

18 (3) rates of overdose, including fatal and
19 nonfatal overdose, following release;

20 (4) rates of re-arrest, re-incarceration, or other
21 recidivism outcomes;

22 (5) participant engagement with treatment and
23 recovery services following release;

24 (6) institutional safety indicators within
25 participating facilities; and

26 (7) the costs and cost-effectiveness of the pilot

1 program.

2 The Department shall provide the evaluator with access
3 to relevant program and administrative data necessary to
4 complete the evaluation, subject to applicable privacy
5 protections. The independent evaluator shall prepare a
6 report summarizing the findings of the evaluation and
7 shall submit the report to the Department and the General
8 Assembly no later than January 1, 2029.

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

22 Pursuant to its power to establish new institutions
23 and facilities, the Department may authorize the
24 Department of Central Management Services to accept bids
25 from counties and municipalities for the construction,
26 remodeling, or conversion of a structure to be leased to

1 the Department of Corrections for the purposes of its
2 serving as a correctional institution or facility. Such
3 construction, remodeling, or conversion may be financed
4 with revenue bonds issued pursuant to the Industrial
5 Building Revenue Bond Act by the municipality or county.
6 The lease specified in a bid shall be for a term of not
7 less than the time needed to retire any revenue bonds used
8 to finance the project, but not to exceed 40 years. The
9 lease may grant to the State the option to purchase the
10 structure outright.

11 Upon receipt of the bids, the Department may certify
12 one or more of the bids and shall submit any such bids to
13 the General Assembly for approval. Upon approval of a bid
14 by a constitutional majority of both houses of the General
15 Assembly, pursuant to joint resolution, the Department of
16 Central Management Services may enter into an agreement
17 with the county or municipality pursuant to such bid.

18 (c-5) To build and maintain regional juvenile
19 detention centers and to charge a per diem to the counties
20 as established by the Department to defray the costs of
21 housing each minor in a center. In this subsection (c-5),
22 "juvenile detention center" means a facility to house
23 minors during pendency of trial who have been transferred
24 from proceedings under the Juvenile Court Act of 1987 to
25 prosecutions under the criminal laws of this State in
26 accordance with Section 5-805 of the Juvenile Court Act of

1 1987, whether the transfer was by operation of law or
2 permissive under that Section. The Department shall
3 designate the counties to be served by each regional
4 juvenile detention center.

5 (d) To develop and maintain programs of control,
6 rehabilitation, and employment of committed persons within
7 its institutions.

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

10 (d-10) To provide educational and visitation
11 opportunities to committed persons within its institutions
12 through temporary access to content-controlled tablets
13 that may be provided as a privilege to committed persons
14 to induce or reward compliance.

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

17 (f) To establish in cooperation with the Department of
18 Transportation to supply a sufficient number of prisoners
19 for use by the Department of Transportation to clean up
20 the trash and garbage along State, county, township, or
21 municipal highways as designated by the Department of
22 Transportation. The Department of Corrections, at the
23 request of the Department of Transportation, shall furnish
24 such prisoners at least annually for a period to be agreed
25 upon between the Director of Corrections and the Secretary
26 of Transportation. The prisoners used on this program

1 shall be selected by the Director of Corrections on
2 whatever basis he deems proper in consideration of their
3 term, behavior and earned eligibility to participate in
4 such program - where they will be outside of the prison
5 facility but still in the custody of the Department of
6 Corrections. Prisoners convicted of first degree murder,
7 or a Class X felony, or armed violence, or aggravated
8 kidnapping, or criminal sexual assault, aggravated
9 criminal sexual abuse or a subsequent conviction for
10 criminal sexual abuse, or forcible detention, or arson, or
11 a prisoner adjudged a Habitual Criminal shall not be
12 eligible for selection to participate in such program. The
13 prisoners shall remain as prisoners in the custody of the
14 Department of Corrections and such Department shall
15 furnish whatever security is necessary. The Department of
16 Transportation shall furnish trucks and equipment for the
17 highway cleanup program and personnel to supervise and
18 direct the program. Neither the Department of Corrections
19 nor the Department of Transportation shall replace any
20 regular employee with a prisoner.

21 (g) To maintain records of persons committed to it and
22 to establish programs of research, statistics, and
23 planning.

24 (h) To investigate the grievances of any person
25 committed to the Department and to inquire into any
26 alleged misconduct by employees or committed persons; and

1 for these purposes it may issue subpoenas and compel the
2 attendance of witnesses and the production of writings and
3 papers, and may examine under oath any witnesses who may
4 appear before it; to also investigate alleged violations
5 of a parolee's or releasee's conditions of parole or
6 release; and for this purpose it may issue subpoenas and
7 compel the attendance of witnesses and the production of
8 documents only if there is reason to believe that such
9 procedures would provide evidence that such violations
10 have occurred.

11 If any person fails to obey a subpoena issued under
12 this subsection, the Director may apply to any circuit
13 court to secure compliance with the subpoena. The failure
14 to comply with the order of the court issued in response
15 thereto shall be punishable as contempt of court.

16 (i) To appoint and remove the chief administrative
17 officers, and administer programs of training and
18 development of personnel of the Department. Personnel
19 assigned by the Department to be responsible for the
20 custody and control of committed persons or to investigate
21 the alleged misconduct of committed persons or employees
22 or alleged violations of a parolee's or releasee's
23 conditions of parole shall be conservators of the peace
24 for those purposes, and shall have the full power of peace
25 officers outside of the facilities of the Department in
26 the protection, arrest, retaking, and reconfining of

1 committed persons or where the exercise of such power is
2 necessary to the investigation of such misconduct or
3 violations. This subsection shall not apply to persons
4 committed to the Department of Juvenile Justice under the
5 Juvenile Court Act of 1987 on aftercare release.

6 (j) To cooperate with other departments and agencies
7 and with local communities for the development of
8 standards and programs for better correctional services in
9 this State.

10 (k) To administer all moneys and properties of the
11 Department.

12 (l) To report annually to the Governor on the
13 committed persons, institutions, and programs of the
14 Department.

15 (l-5) (Blank).

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

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

22 (o) To administer the distribution of funds from the
23 State Treasury to reimburse counties where State penal
24 institutions are located for the payment of assistant
25 state's attorneys' salaries under Section 4-2001 of the
26 Counties Code.

1 (p) To exchange information with the Department of
2 Human Services and the Department of Healthcare and Family
3 Services for the purpose of verifying living arrangements
4 and for other purposes directly connected with the
5 administration of this Code and the Illinois Public Aid
6 Code.

7 (q) To establish a diversion program.

8 The program shall provide a structured environment for
9 selected technical parole or mandatory supervised release
10 violators and committed persons who have violated the
11 rules governing their conduct while in work release. This
12 program shall not apply to those persons who have
13 committed a new offense while serving on parole or
14 mandatory supervised release or while committed to work
15 release.

16 Elements of the program shall include, but shall not
17 be limited to, the following:

18 (1) The staff of a diversion facility shall
19 provide supervision in accordance with required
20 objectives set by the facility.

21 (2) Participants shall be required to maintain
22 employment.

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

26 (4) Each participant shall:

1 (A) provide restitution to victims in
2 accordance with any court order;

3 (B) provide financial support to his
4 dependents; and

5 (C) make appropriate payments toward any other
6 court-ordered obligations.

7 (5) Each participant shall complete community
8 service in addition to employment.

9 (6) Participants shall take part in such
10 counseling, educational, and other programs as the
11 Department may deem appropriate.

12 (7) Participants shall submit to drug and alcohol
13 screening.

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

16 (r) To enter into intergovernmental cooperation
17 agreements under which persons in the custody of the
18 Department may participate in a county impact
19 incarceration program established under Section 3-6038 or
20 3-15003.5 of the Counties Code.

21 (r-5) (Blank).

22 (r-10) To systematically and routinely identify with
23 respect to each streetgang active within the correctional
24 system: (1) each active gang; (2) every existing
25 inter-gang affiliation or alliance; and (3) the current
26 leaders in each gang. The Department shall promptly

1 segregate leaders from inmates who belong to their gangs
2 and allied gangs. "Segregate" means no physical contact
3 and, to the extent possible under the conditions and space
4 available at the correctional facility, prohibition of
5 visual and sound communication. For the purposes of this
6 paragraph (r-10), "leaders" means persons who:

7 (i) are members of a criminal streetgang;

8 (ii) with respect to other individuals within the
9 streetgang, occupy a position of organizer,
10 supervisor, or other position of management or
11 leadership; and

12 (iii) are actively and personally engaged in
13 directing, ordering, authorizing, or requesting
14 commission of criminal acts by others, which are
15 punishable as a felony, in furtherance of streetgang
16 related activity both within and outside of the
17 Department of Corrections.

18 "Streetgang", "gang", and "streetgang related" have the
19 meanings ascribed to them in Section 10 of the Illinois
20 Streetgang Terrorism Omnibus Prevention Act.

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

25 (t) To monitor any unprivileged conversation or any
26 unprivileged communication, whether in person or by mail,

1 telephone, or other means, between an inmate who, before
2 commitment to the Department, was a member of an organized
3 gang and any other person without the need to show cause or
4 satisfy any other requirement of law before beginning the
5 monitoring, except as constitutionally required. The
6 monitoring may be by video, voice, or other method of
7 recording or by any other means. As used in this
8 subdivision (1)(t), "organized gang" has the meaning
9 ascribed to it in Section 10 of the Illinois Streetgang
10 Terrorism Omnibus Prevention Act.

11 As used in this subdivision (1)(t), "unprivileged
12 conversation" or "unprivileged communication" means a
13 conversation or communication that is not protected by any
14 privilege recognized by law or by decision, rule, or order
15 of the Illinois Supreme Court.

16 (u) To establish a Women's and Children's Pre-release
17 Community Supervision Program for the purpose of providing
18 housing and services to eligible female inmates, as
19 determined by the Department, and their newborn and young
20 children.

21 (u-5) To issue an order, whenever a person committed
22 to the Department absconds or absents himself or herself,
23 without authority to do so, from any facility or program
24 to which he or she is assigned. The order shall be
25 certified by the Director, the Supervisor of the
26 Apprehension Unit, or any person duly designated by the

1 Director, with the seal of the Department affixed. The
2 order shall be directed to all sheriffs, coroners, and
3 police officers, or to any particular person named in the
4 order. Any order issued pursuant to this subdivision
5 (1)(u-5) shall be sufficient warrant for the officer or
6 person named in the order to arrest and deliver the
7 committed person to the proper correctional officials and
8 shall be executed the same as criminal process.

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

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

26 (u-8) To provide statewide training for Department of

1 Corrections intake and reentry personnel and contractors
2 on identification and response to Department-involved
3 individuals who demonstrate indications of past
4 trafficking victimization or child sexual exploitation
5 that put them at risk of human trafficking.

6 (u-9) To offer access to specialized services for
7 Department-involved individuals within the care that
8 demonstrate indications of past trafficking victimization
9 or child sexual exploitation that put them at risk of
10 trafficking. As used in this subsection, "specialized
11 services" means substance use ~~substance-use~~ disorder,
12 mental health, medical, case-management, housing, and
13 other support services by Department employees or
14 contractors who have completed victim-centered,
15 trauma-informed training specifically designed to address
16 the complex psychological ~~and~~ or physical needs of victims
17 of human trafficking, sexual exploitation, or a history of
18 involvement with the sex trade.

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

21 (2) The Department of Corrections shall by January 1,
22 1998, consider building and operating a correctional facility
23 within 100 miles of a county of over 2,000,000 inhabitants,
24 especially a facility designed to house juvenile participants
25 in the impact incarceration program.

26 (3) When the Department lets bids for contracts for

1 medical services to be provided to persons committed to
2 Department facilities by a health maintenance organization,
3 medical service corporation, or other health care provider,
4 the bid may only be let to a health care provider that has
5 obtained an irrevocable letter of credit or performance bond
6 issued by a company whose bonds have an investment grade or
7 higher rating by a bond rating organization.

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

21 (4) When the Department lets bids for contracts for food
22 or commissary services to be provided to Department
23 facilities, the bid may only be let to a food or commissary
24 services provider that has obtained an irrevocable letter of
25 credit or performance bond issued by a company whose bonds
26 have an investment grade or higher rating by a bond rating

1 organization.

2 (5) On and after the date 6 months after August 16, 2013
3 (the effective date of Public Act 98-488), as provided in the
4 Executive Order 1 (2012) Implementation Act, all of the
5 powers, duties, rights, and responsibilities related to State
6 healthcare purchasing under this Code that were transferred
7 from the Department of Corrections to the Department of
8 Healthcare and Family Services by Executive Order 3 (2005) are
9 transferred back to the Department of Corrections; however,
10 powers, duties, rights, and responsibilities related to State
11 healthcare purchasing under this Code that were exercised by
12 the Department of Corrections before the effective date of
13 Executive Order 3 (2005) but that pertain to individuals
14 resident in facilities operated by the Department of Juvenile
15 Justice are transferred to the Department of Juvenile Justice.

16 (6) The Department of Corrections shall provide lactation
17 or nursing mothers rooms for personnel of the Department. The
18 rooms shall be provided in each facility of the Department
19 that employs nursing mothers. Each individual lactation room
20 must:

- 21 (i) contain doors that lock;
22 (ii) have an "Occupied" sign for each door;
23 (iii) contain electrical outlets for plugging in
24 breast pumps;
25 (iv) have sufficient lighting and ventilation;
26 (v) contain comfortable chairs;

1 (vi) contain a countertop or table for all necessary
2 supplies for lactation;

3 (vii) contain a wastebasket and chemical cleaners to
4 wash one's hands and to clean the surfaces of the
5 countertop or table;

6 (viii) have a functional sink;

7 (ix) have a minimum of one refrigerator for storage of
8 the breast milk; and

9 (x) receive routine daily maintenance.

10 (Source: P.A. 103-834, eff. 1-1-25; 104-27, eff. 1-1-26;
11 104-159, eff. 1-1-26; revised 11-21-25.)".