

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0065

Introduced 1/13/2025, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

New Act
730 ILCS 5/3-8-7

from Ch. 38, par. 1003-8-7

Creates the Isolated Confinement Restriction Act. Provides that the Act may be referred to as the Nelson Mandela Act. Provides that a committed person may not be in isolated confinement for more than 10 consecutive days. Provides that a committed person may not be in isolated confinement for more than 10 days in any 180-day period. Provides that the provision of basic needs and services, such as nutritious food, clean water, hygiene supplies, clothing, bedding and mattress, religious materials, legal materials, access to grievance forms, and access to medical and mental health, shall not be restricted as a form of punishment or discipline for committed persons in isolated confinement. Provides that a committed person in protective custody may opt out of that status by providing informed, voluntary, written refusal of that status. Provides that a committed person shall not be placed in isolated confinement if the committed person: (1) is 21 years of age or younger; (2) is 55 years of age or older; (3) has a disability as defined in the Americans with Disabilities Act of 1990; or (4) is pregnant or postpartum. Provides that nothing in the Act is intended to restrict any rights or privileges a committed person may have under any other statute, rule, or regulation. Amends the Unified Code of Corrections to make conforming changes. Effective immediately.

LRB104 06036 RLC 16069 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 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Isolated
6 Confinement Restriction Act.

7 (b) References to Act. This Act may be referred to as the
8 Nelson Mandela Act.

9 Section 5. Findings.

10 (a) The General Assembly finds that:

11 (1) Nelson Mandela, should be honored and recognized
12 as the first and former President of South Africa, who
13 after release from 27 years of imprisonment, much of which
14 was spent in isolated confinement, became a world leader
15 in his commitment to democracy and international human
16 rights.

17 (2) Mandela was repeatedly subjected to isolated
18 confinement.

19 (3) Mandela's isolation began with 23 hours a day of
20 isolated confinement with just 2 30-minute exercise
21 periods allowed a day. Such hours were spent in a cell
22 measuring 8 feet by 7 feet, with walls of concrete,
23 without windows, and furnished with a single light bulb to

1 substitute natural light.

2 (4) Mandela described isolated confinement as "the
3 most forbidding aspect of prison life", with no end and no
4 beginning.

5 (5) After 27 years of incarceration under the South
6 African government, Mandela went on to receive a Nobel
7 Peace Prize and numerous other honors as a global icon of
8 democracy and social justice.

9 (6) In an attempt to ensure that no one else would be
10 subjected to the inhumane treatment Mandela survived, the
11 United Nations adopted the Mandela Rules establishing
12 Standard Minimum Rules of the Treatment of Prisoners, on
13 December 17, 2015. Those rules finalized a set of
14 principles that provides all people who are in prison with
15 respect and protection from torture, and other cruel,
16 inhuman, or degrading treatments or punishments.

17 (7) Rule 1 of the Mandela Rules sets the guiding
18 principle for these standards, requiring that: "All
19 prisoners shall be treated with the respect due to their
20 inherent dignity and value as human beings".

21 (8) The Mandela Rules provides that, "the prison
22 system shall not, except as incidental to justifiable
23 separation or the maintenance of discipline, aggravate the
24 suffering inherent in such a situation" involving the
25 deprivation of liberty.

26 (9) As a result of these requirements and recognizing

1 the horrific consequences of Mandela's prolonged
2 isolation, the Mandela Rules specifically prohibit
3 prolonged confinement placement in a cell.

4 (10) Rule 44 of the Mandela Rules specifically states
5 "solitary confinement shall refer to the confinement of
6 prisoners for 22 hours or more a day without meaningful
7 human contact. Prolonged solitary confinement shall refer
8 to solitary confinement for a time period in excess of 15
9 consecutive days".

10 11) Nelson Mandela stated: "No one truly knows a
11 nation until one has been inside its jails. A nation
12 should not be judged by how it treats its highest
13 citizens, but its lowest ones".

14 (12) To be judged as a worldwide leader, Illinois must
15 recognize the horrific consequences that Nelson Mandela
16 and other incarcerated individuals have experienced from
17 being confined to a cell for prolonged periods and comply
18 with the international mandates required by the Mandela
19 Rules.

20 (13) It is therefore in Illinois' best interests to
21 operate its prisons in compliance with internationally
22 recognized minimum standards.

23 (b) It is the intent of the General Assembly to enact the
24 Nelson Mandela Act.

25 Section 10. Definition. In this Act:

1 "Correctional facility" means any State correctional
2 facility and any State, private facility, or county facility
3 with more than 500 persons, detaining persons under any
4 intergovernmental services agreement or other contract with
5 any State, or federal agency, including, but not limited to,
6 United States Immigration and Customs Enforcement.

7 "Facility administrator" means the chief operating
8 officer, senior administrative designee, or warden of a
9 correctional facility.

10 "Isolated confinement" means confinement of a committed
11 person in a correctional facility in a cell or confined living
12 space, alone or with other committed persons, for more than 17
13 hours in any 24-hour period. To count as out of cell time,
14 committed persons must have access to activities, including,
15 but not limited to: job assignments, educational classes,
16 vocational classes, meals, recreation, yard or gymnasium, day
17 room, bathing facilities, medical appointments, visits, and
18 group therapy.

19 "Postpartum period" means the 8-week period following
20 birth unless determined to be a longer period by a physician,
21 advanced practice registered nurse, physician assistant, or
22 other qualified medical professional.

23 "Protective custody" means voluntary confinement of a
24 committed person in a cell or confined living space under
25 conditions necessary to protect the committed person.

1 Section 15. Restrictions on the use of isolated
2 confinement.

3 (a) Except as provided in subsections (c) and (d), the use
4 of isolated confinement in correctional facilities in this
5 State shall be restricted as follows:

6 (1) A committed person may not be in isolated
7 confinement for more than 10 consecutive days.

8 (2) A committed person may not be in isolated
9 confinement for more than 10 days in any 180-day period.

10 (b) The provision of basic needs and services, such as
11 nutritious food, clean water, hygiene supplies, clothing,
12 bedding and mattress, religious materials, legal materials,
13 access to grievance forms, and access to medical and mental
14 health, shall not be restricted as a form of punishment or
15 discipline for committed persons in isolated confinement.

16 (c) A committed person in protective custody may opt out
17 of that status by providing informed, voluntary, written
18 refusal of that status.

19 (d) A committed person shall not be placed in isolated
20 confinement if the committed person:

21 (1) is 21 years of age or younger;

22 (2) is 55 years of age or older;

23 (3) has a disability as defined in the Americans with
24 Disabilities Act of 1990; or

25 (4) is pregnant or postpartum.

26 (e) Nothing in this Act is intended to restrict any rights

1 or privileges a committed person may have under any other
2 statute, rule, or regulation.

3 Section 90. The Unified Code of Corrections is amended by
4 changing Section 3-8-7 as follows:

5 (730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)

6 Sec. 3-8-7. Disciplinary Procedures.)

7 (a) All disciplinary action shall be consistent with this
8 Chapter. Rules of behavior and conduct, the penalties for
9 violation thereof, and the disciplinary procedure by which
10 such penalties may be imposed shall be available to committed
11 persons.

12 (b) (1) Corporal punishment and disciplinary restrictions
13 on diet, medical or sanitary facilities, mail or access to
14 legal materials are prohibited.

15 (2) (Blank).

16 (3) (Blank).

17 (c) Review of disciplinary action imposed under this
18 Section shall be provided by means of the grievance procedure
19 under Section 3-8-8. The Department shall provide a
20 disciplined person with a review of his or her disciplinary
21 action in a timely manner as required by law.

22 (d) All institutions and facilities of the Department of
23 Corrections shall establish, subject to the approval of the
24 Director, procedures for hearing disciplinary cases except

1 those that may involve the imposition of disciplinary
2 segregation and isolation; the loss of good time credit under
3 Section 3-6-3 or eligibility to earn good time credit.

4 (e) In disciplinary cases which may involve ~~the imposition~~
5 ~~of disciplinary segregation and isolation,~~ the loss of good
6 time credit or eligibility to earn good time credit, the
7 Director shall establish disciplinary procedures consistent
8 with the following principles:

9 (1) Any person or persons who initiate a disciplinary
10 charge against a person shall not determine the
11 disposition of the charge. The Director may establish one
12 or more disciplinary boards to hear and determine charges.

13 (2) Any committed person charged with a violation of
14 Department rules of behavior shall be given notice of the
15 charge including a statement of the misconduct alleged and
16 of the rules this conduct is alleged to violate.

17 (3) Any person charged with a violation of rules is
18 entitled to a hearing on that charge at which time he shall
19 have an opportunity to appear before and address the
20 person or persons deciding the charge.

21 (4) The person or persons determining the disposition
22 of the charge may also summon to testify any witnesses or
23 other persons with relevant knowledge of the incident.

24 (5) If the charge is sustained, the person charged is
25 entitled to a written statement of the decision by the
26 persons determining the disposition of the charge which

1 shall include the basis for the decision and the
2 disciplinary action, if any, to be imposed.

3 (6) (Blank).

4 (f) In disciplinary cases which may involve the imposition
5 of segregation and isolation, isolated confinement, or
6 restrictive housing, the Director shall establish disciplinary
7 procedures consistent with the Isolated Confinement
8 Restriction Act.

9 (Source: P.A. 97-1083, eff. 8-24-12.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.