



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1641

Introduced 2/5/2025, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2

from Ch. 38, par. 1003-7-2

730 ILCS 5/3-7-2.1 new

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall achieve 100% scanning capacity of all mail arriving at each correctional institution and facility not later than 180 days after the effective date of the amendatory Act. Provides that the Department shall utilize all means necessary to achieve synthetic drug interdiction in order to: (1) protect staff and committed persons from exposure to synthetic drugs and opioids introduced to correctional institutions and facilities through the mail; and (2) ensure that after a piece of mail is received at a correctional institution or facility, each committed person receives a digital copy of any mail that is addressed to the committed person. Provides that the Department shall adopt rules regarding the delivery of mail and mail scanning services necessary to achieve the scanning capacity described in this provision. Provides that beginning one year after the date on which the strategy is submitted under this provision, and each year thereafter, the Director of Corrections shall submit to the Governor and General Assembly a report on the total quantity of detected synthetic drugs and opioids. Contains a findings provision.

LRB104 02958 RLC 12986 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. Legislative findings. The General Assembly
5 finds that:

6 (1) the Illinois Department of Corrections operates over
7 20 adult correctional centers as well as boot camps, work
8 camps and adult transition centers throughout the State,
9 employs approximately 13,000 employees, and is responsible for
10 more for the management of nearly 30,000 adult committed
11 persons;

12 (2) committed person mail is a primary entry point for
13 smuggling drugs into correctional institutions and facilities,
14 with tainted mail incidents on the rise;

15 (3) elimination of dangerous contraband, including
16 synthetic drugs, in mail is essential to protecting the health
17 and safety of employees and committed persons within the
18 Department;

19 (4) correctional institutions and facilities of the
20 Department are becoming increasingly dangerous, with a rise in
21 drug exposures in recent years;

22 (5) the introduction of synthetic drugs, particularly
23 fentanyl and fentanyl analogs, into correctional institutions
24 and facilities by mail threatens employees, committed persons,

1 and the security of correctional institutions and facilities;

2 (6) the foregoing factors add tremendous pressures and
3 workloads that further burden existing employees;

4 (7) employees at correctional institutions and facilities
5 as well as AFSCME continue to request drug interdiction
6 technologies to protect themselves and committed persons; and

7 (8) apart from digital mail scanning, there is no widely
8 deployed interdiction technology to detect fentanyl, and other
9 synthetic drugs, arriving through the mail at Department
10 institutions and facilities.

11 Section 5. The Unified Code of Corrections is amended by
12 changing Section 3-7-2 and by adding Section 3-7-2.1 as
13 follows:

14 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

15 Sec. 3-7-2. Facilities.

16 (a) All institutions and facilities of the Department
17 shall provide every committed person with access to toilet
18 facilities, barber facilities, bathing facilities at least
19 once each week, a library of legal materials and published
20 materials including newspapers and magazines approved by the
21 Director. A committed person may not receive any materials
22 that the Director deems pornographic.

23 (b) (Blank).

24 (c) All institutions and facilities of the Department

1 shall provide facilities for every committed person to leave
2 his cell for at least one hour each day unless the chief
3 administrative officer determines that it would be harmful or
4 dangerous to the security or safety of the institution or
5 facility.

6 (d) All institutions and facilities of the Department
7 shall provide every committed person with a wholesome and
8 nutritional diet at regularly scheduled hours, drinking water,
9 clothing adequate for the season, including underwear,
10 bedding, soap, ~~and~~ towels, and medical and dental care.
11 Underwear provided to each committed person in all
12 institutions and facilities of the Department shall be free of
13 charge and shall be provided at any time upon request,
14 including multiple requests, of the committed person or as
15 needed by the committed person.

16 (e) All institutions and facilities of the Department
17 shall permit every committed person to send and receive an
18 unlimited number of uncensored letters, provided, however,
19 that the Director shall ~~may~~ order that mail be inspected,
20 electronically scanned, and read for reasons of the security,
21 safety, or morale of the institution or facility.

22 (f) All of the institutions and facilities of the
23 Department shall permit every committed person to receive
24 in-person visitors and video contact, if available, except in
25 case of abuse of the visiting privilege or when the chief
26 administrative officer determines that such visiting would be

1 harmful or dangerous to the security, safety or morale of the
2 institution or facility. Each committed person is entitled to
3 7 visits per month. Every committed person may submit a list of
4 at least 30 persons to the Department that are authorized to
5 visit the committed person. The list shall be kept in an
6 electronic format by the Department beginning on August 1,
7 2019, as well as available in paper form for Department
8 employees. The chief administrative officer shall have the
9 right to restrict visitation to non-contact visits, video, or
10 other forms of non-contact visits for reasons of safety,
11 security, and order, including, but not limited to,
12 restricting contact visits for committed persons engaged in
13 gang activity. No committed person in a super maximum security
14 facility or on disciplinary segregation is allowed contact
15 visits. Any committed person found in possession of illegal
16 drugs or who fails a drug test shall not be permitted contact
17 visits for a period of at least 6 months. Any committed person
18 involved in gang activities or found guilty of assault
19 committed against a Department employee shall not be permitted
20 contact visits for a period of at least 6 months. The
21 Department shall offer every visitor appropriate written
22 information concerning HIV and AIDS, including information
23 concerning how to contact the Illinois Department of Public
24 Health for counseling information. The Department shall
25 develop the written materials in consultation with the
26 Department of Public Health. The Department shall ensure that

1 all such information and materials are culturally sensitive
2 and reflect cultural diversity as appropriate. Implementation
3 of the changes made to this Section by Public Act 94-629 is
4 subject to appropriation. The Department shall seek the lowest
5 possible cost to provide video calling and shall charge to the
6 extent of recovering any demonstrated costs of providing video
7 calling. The Department shall not make a commission or profit
8 from video calling services. Nothing in this Section shall be
9 construed to permit video calling instead of in-person
10 visitation.

11 (f-5) (Blank).

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

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

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

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

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

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

26 (2) This policy shall be posted on the Department website

1 and at each facility.

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

7 (g) All institutions and facilities of the Department
8 shall permit religious ministrations and sacraments to be
9 available to every committed person, but attendance at
10 religious services shall not be required. This subsection (g)
11 is subject to the provisions of the Faith Behind Bars Act.

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

16 (i) A point of contact person appointed under subsection
17 (u-6) of Section 3-2-2 of this Code shall promptly and
18 efficiently review suggestions, complaints, and other requests
19 made by visitors to institutions and facilities of the
20 Department and by other members of the public. Based on the
21 nature of the submission, the point of contact person shall
22 communicate with the appropriate division of the Department,
23 disseminate the concern or complaint, and act as liaison
24 between the parties to reach a resolution.

25 (1) The point of contact person shall maintain
26 information about the subject matter of each

1 correspondence, including, but not limited to, information
2 about the following subjects:

3 (A) the parties making the submission;

4 (B) any commissary-related concerns;

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

7 (D) any concerns about mail, video, or electronic
8 messages or other communications with incarcerated
9 persons;

10 (E) any concerns about the institution or
11 facility;

12 (F) any discipline-related concerns;

13 (G) any concerns about earned sentencing credits;

14 (H) any concerns about educational opportunities
15 for incarcerated persons;

16 (I) any concerns about health-related matters;

17 (J) any mental health concerns;

18 (K) any concerns about personal property;

19 (L) any concerns about the records of the
20 incarcerated person;

21 (M) any concerns about recreational opportunities
22 for incarcerated persons;

23 (N) any staffing-related concerns;

24 (O) any concerns about the transfer of individuals
25 in custody;

26 (P) any concerns about visitation; and

1 (Q) any concerns about work opportunities for
2 incarcerated persons.

3 The information shall be maintained in accordance with
4 standards set by the Department of Corrections, and shall
5 be made available to the Department's Planning and
6 Research Division. The point of contact person shall
7 provide a summary of the results of the review, including
8 any resolution or recommendations made as a result of
9 correspondence with the Planning and Research Division of
10 the Department.

11 (2) The Department shall provide an annual written
12 report to the General Assembly and the Governor, with the
13 first report due no later than January 1, 2023, and
14 publish the report on its website within 48 hours after
15 the report is transmitted to the Governor and the General
16 Assembly. The report shall include a summary of activities
17 undertaken and completed as a result of submissions to the
18 point of contact person. The Department of Corrections
19 shall collect and report the following aggregated and
20 disaggregated data for each institution and facility and
21 describe:

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

23 (B) the general nature of suggestions, complaints,
24 and other requests submitted to the point of contact
25 person;

26 (C) the volume of emails, calls, letters, and

1 other correspondence received by the point of contact
2 person;

3 (D) the resolutions reached or recommendations
4 made as a result of the point of contact person's
5 review;

6 (E) whether, if an investigation is recommended, a
7 report of the complaint was forwarded to the Chief
8 Inspector of the Department or other Department
9 employee, and the resolution of the complaint, and if
10 the investigation has not concluded, a detailed status
11 report on the complaint; and

12 (F) any recommendations that the point of contact
13 person has relating to systemic issues in the
14 Department of Corrections, and any other matters for
15 consideration by the General Assembly and the
16 Governor.

17 The name, address, or other personally identifiable
18 information of a person who files a complaint, suggestion,
19 or other request with the point of contact person, and
20 confidential records shall be redacted from the annual
21 report and are not subject to disclosure under the Freedom
22 of Information Act. The Department shall disclose the
23 records only if required by a court order on a showing of
24 good cause.

25 (3) The Department must post in a conspicuous place in
26 the waiting area of every facility or institution a sign

1 that contains in bold, black type the following:

2 (A) a short statement notifying visitors of the
3 point of contact person and that person's duty to
4 receive suggestions, complaints, or other requests;
5 and

6 (B) information on how to submit suggestions,
7 complaints, or other requests to the point of contact
8 person.

9 (j) Menstrual hygiene products shall be available, as
10 needed, free of charge, at all institutions and facilities of
11 the Department for all committed persons who menstruate. In
12 this subsection (j), "menstrual hygiene products" means
13 tampons and sanitary napkins for use in connection with the
14 menstrual cycle.

15 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;
16 103-154, eff. 6-30-23; 103-331, eff. 1-1-24; revised 7-22-24.)

17 (730 ILCS 5/3-7-2.1 new)

18 Sec. 3-7-2.1. Electronic scanning of committed person
19 mail.

20 (a) Scanning and interdiction of synthetic drugs and
21 contraband in postal mail. The Department shall achieve 100%
22 scanning capacity of all mail arriving at each correctional
23 institution and facility not later than 180 days after the
24 effective date of this amendatory Act of the 104th General
25 Assembly.

1 (b) Means to achieve interdiction. The Department shall
2 utilize all means necessary to achieve synthetic drug
3 interdiction in order to:

4 (1) protect staff and committed persons from exposure
5 to synthetic drugs and opioids introduced to correctional
6 institutions and facilities through the mail; and

7 (2) ensure that after a piece of mail is received at a
8 correctional institution or facility, each committed
9 person receives a digital copy of any mail that is
10 addressed to the committed person.

11 (c) Rulemaking. The Department shall adopt rules regarding
12 the delivery of mail and mail scanning services necessary to
13 achieve the scanning capacity described in subsection (a).

14 (d) Annual reports. Beginning one year after the date on
15 which the strategy is submitted under subsection (b), and each
16 year thereafter, the Director of Corrections shall submit to
17 the Governor and General Assembly a report on the total
18 quantity of detected synthetic drugs and opioids.