



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0182

by Rep. La Shawn K. Ford

#### 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 a committed person may not be placed in isolated confinement for more than 10 consecutive days. Provides that a committed person may not be placed in isolated confinement for more than 10 days in any 180-day period. Provides that while out of cell, committed persons may have access to activities, including, but not limited, to: job assignments, educational classes, vocational classes, meals, recreation, yard or gymnasium, day room, medical appointments, visits, and group therapy. Provides exceptions. Provides that the Department of Corrections shall post on the Department's official website quarterly reports on the use of isolated confinement. Amends the Unified Code of Corrections to make conforming changes. Effective January 1, 2020, except that some provisions effective immediately.

LRB101 04801 SLF 49810 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. This Act may be cited as the  
5 Isolated Confinement Restriction Act.

6 Section 5. Definitions. In this Act:

7 "Correctional facility" means any State correctional  
8 facility or county correctional facility, and any State, county  
9 or private facility detaining persons under any  
10 intergovernmental service agreement or other contract with any  
11 State, county, or federal agency, including, but not limited  
12 to, United States Immigration and Customs Enforcement.

13 "Facility administrator" means the chief operating  
14 officer, senior administrative designee, or warden of a  
15 correctional facility.

16 "Isolated confinement" means confinement of a committed  
17 person in a correctional facility in a cell or confined living  
18 space, alone or with other inmates, for more than 20 hours in  
19 any 24-hour period.

20 "Protective custody" means confinement of a committed  
21 person in a cell or confined living space under conditions  
22 necessary to protect the committed person or others.

1           Section 10. Restrictions on the use of isolated  
2 confinement.

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

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

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

10                (3) While out of cell, committed persons may have  
11 access to activities, including but not limited to: job  
12 assignments, educational classes, vocational classes,  
13 meals, recreation, yard or gymnasium, day room, medical  
14 appointments, visits, and group therapy.

15           (b) Isolated confinement shall be permitted if the facility  
16 administrator determines that a committed person should be  
17 placed in protective custody. The facility administrator's use  
18 of protective custody is limited as follows:

19                 (1) The committed person may be placed in protective  
20 custody only with informed, voluntary written consent of  
21 the committed person.

22                 (2) A committed person in protective custody may opt  
23 out of that status by providing informed, voluntary,  
24 written refusal of that status.

25           (c) Nothing in this Act is intended to restrict any rights  
26 or privileges a committed person may have under any other

1 statute, rule, or regulation.

2 Section 15. Data publication. The Department of  
3 Corrections shall post on the Department's official website  
4 quarterly reports on the use of isolated confinement. Those  
5 reports shall include data on the use of isolated confinement  
6 by age, sex, gender identity, ethnicity, incidence of mental  
7 illness, and type of confinement status, at each facility;  
8 these reports shall include the population on the last day of  
9 each quarter and a non-duplicative cumulative count of persons  
10 exposed to isolated confinement for each fiscal year. These  
11 reports shall include the incidence of emergency confinement,  
12 self-harm, suicide, and assault in any isolated confinement  
13 unit, as well as explanations for each instance of  
14 facility-wide lockdown. These reports shall include data on the  
15 access to health care, including the time it takes for a  
16 confined person to access medical care following a request and  
17 the time between routine mental and physical checkups. These  
18 reports shall not include personally identifiable information  
19 regarding any committed person.

20 Section 105. The Unified Code of Corrections is amended by  
21 changing Section 3-8-7 as follows:

22 (730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)  
23 Sec. 3-8-7. Disciplinary Procedures.→

1 (a) All disciplinary action shall be consistent with this  
2 Chapter. Rules of behavior and conduct, the penalties for  
3 violation thereof, and the disciplinary procedure by which such  
4 penalties may be imposed shall be available to committed  
5 persons.

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

9 (2) (Blank).

10 (3) (Blank).

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

16 (d) All institutions and facilities of the Department of  
17 Corrections shall establish, subject to the approval of the  
18 Director, procedures for hearing disciplinary cases except  
19 those that may involve the imposition of disciplinary  
20 segregation and isolation; the loss of good time credit under  
21 Section 3-6-3 or eligibility to earn good time credit.

22 (e) In disciplinary cases which may involve the imposition  
23 of ~~disciplinary segregation and isolation~~, the loss of good  
24 time credit or eligibility to earn good time credit, the  
25 Director shall establish disciplinary procedures consistent  
26 with the following principles:

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

5           (2) Any committed person charged with a violation of  
6 Department rules of behavior shall be given notice of the  
7 charge including a statement of the misconduct alleged and  
8 of the rules this conduct is alleged to violate.

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

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

16           (5) If the charge is sustained, the person charged is  
17 entitled to a written statement of the decision by the  
18 persons determining the disposition of the charge which  
19 shall include the basis for the decision and the  
20 disciplinary action, if any, to be imposed.

21           (6) (Blank).

22           (f) In disciplinary cases which may involve the imposition  
23 of segregation and isolation, isolated confinement, or  
24 restrictive housing, the Director shall establish disciplinary  
25 procedures consistent with the Isolated Confinement  
26 Restriction Act.

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

2 Section 999. Effective date. This Act takes effect January  
3 1, 2020, except that this Section and Section 15 take effect  
4 upon becoming law.