

1 AN ACT concerning criminal law.

2 WHEREAS, It shall be the policy of the Department of  
3 Corrections and the Department of Juvenile Justice to work  
4 together with labor partners to remove barriers to and stigma  
5 around seeking mental health care and to ensure a continuum of  
6 care available to employees without reprisal for seeking such  
7 treatment; therefore

8 **Be it enacted by the People of the State of Illinois,**  
9 **represented in the General Assembly:**

10 Section 5. The Unified Code of Corrections is amended by  
11 changing Sections 3-1-2, 3-2-7, and 3-2.5-15 as follows:

12 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

13 Sec. 3-1-2. Definitions.

14 (a) "Chief Administrative Officer" means the person  
15 designated by the Director to exercise the powers and duties  
16 of the Department of Corrections in regard to committed  
17 persons within a correctional institution or facility, and  
18 includes the superintendent of any juvenile institution or  
19 facility.

20 (a-3) "Aftercare release" means the conditional and  
21 revocable release of a person committed to the Department of  
22 Juvenile Justice under the Juvenile Court Act of 1987, under

1 the supervision of the Department of Juvenile Justice.

2 (a-5) "Sex offense" for the purposes of paragraph (16) of  
3 subsection (a) of Section 3-3-7, paragraph (10) of subsection  
4 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
5 Section 5-6-3.1 only means:

6 (i) A violation of any of the following Sections of  
7 the Criminal Code of 1961 or the Criminal Code of 2012:  
8 10-7 (aiding or abetting child abduction under Section  
9 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent  
10 solicitation of a child), 11-6.5 (indecent solicitation of  
11 an adult), 11-14.4 (promoting juvenile prostitution),  
12 11-15.1 (soliciting for a juvenile prostitute), 11-17.1  
13 (keeping a place of juvenile prostitution), 11-18.1  
14 (patronizing a juvenile prostitute), 11-19.1 (juvenile  
15 pimping), 11-19.2 (exploitation of a child), 11-20.1  
16 (child pornography), 11-20.1B or 11-20.3 (aggravated child  
17 pornography), 11-1.40 or 12-14.1 (predatory criminal  
18 sexual assault of a child), or 12-33 (ritualized abuse of  
19 a child). An attempt to commit any of these offenses.

20 (ii) A violation of any of the following Sections of  
21 the Criminal Code of 1961 or the Criminal Code of 2012:  
22 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or  
23 12-14 (aggravated criminal sexual assault), 11-1.60 or  
24 12-16 (aggravated criminal sexual abuse), and subsection  
25 (a) of Section 11-1.50 or subsection (a) of Section 12-15  
26 (criminal sexual abuse). An attempt to commit any of these

1 offenses.

2 (iii) A violation of any of the following Sections of  
3 the Criminal Code of 1961 or the Criminal Code of 2012 when  
4 the defendant is not a parent of the victim:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

9 An attempt to commit any of these offenses.

10 (iv) A violation of any former law of this State  
11 substantially equivalent to any offense listed in this  
12 subsection (a-5).

13 An offense violating federal law or the law of another  
14 state that is substantially equivalent to any offense listed  
15 in this subsection (a-5) shall constitute a sex offense for  
16 the purpose of this subsection (a-5). A finding or  
17 adjudication as a sexually dangerous person under any federal  
18 law or law of another state that is substantially equivalent  
19 to the Sexually Dangerous Persons Act shall constitute an  
20 adjudication for a sex offense for the purposes of this  
21 subsection (a-5).

22 (b) "Commitment" means a judicially determined placement  
23 in the custody of the Department of Corrections on the basis of  
24 delinquency or conviction.

25 (c) "Committed person" is a person committed to the  
26 Department, however a committed person shall not be considered

1 to be an employee of the Department of Corrections for any  
2 purpose, including eligibility for a pension, benefits, or any  
3 other compensation or rights or privileges which may be  
4 provided to employees of the Department.

5 (c-5) "Computer scrub software" means any third-party  
6 added software, designed to delete information from the  
7 computer unit, the hard drive, or other software, which would  
8 eliminate and prevent discovery of browser activity,  
9 including, but not limited to, Internet history, address bar  
10 or bars, cache or caches, and/or cookies, and which would  
11 over-write files in a way so as to make previous computer  
12 activity, including, but not limited to, website access, more  
13 difficult to discover.

14 (c-10) "Content-controlled tablet" means any device that  
15 can only access visitation applications or content relating to  
16 educational or personal development.

17 (d) "Correctional institution or facility" means any  
18 building or part of a building where committed persons are  
19 kept in a secured manner.

20 (d-5) "Correctional officer" means: an employee of the  
21 Department of Corrections who has custody and control over  
22 committed persons in an adult correctional facility; or, for  
23 an employee of the Department of Juvenile Justice, direct care  
24 staff of persons committed to a juvenile facility.

25 (e) "Department" means both the Department of Corrections  
26 and the Department of Juvenile Justice of this State, unless

1 the context is specific to either the Department of  
2 Corrections or the Department of Juvenile Justice.

3 (f) "Director" means both the Director of Corrections and  
4 the Director of Juvenile Justice, unless the context is  
5 specific to either the Director of Corrections or the Director  
6 of Juvenile Justice.

7 (f-5) (Blank).

8 (g) "Discharge" means the final termination of a  
9 commitment to the Department of Corrections.

10 (h) "Discipline" means the rules and regulations for the  
11 maintenance of order and the protection of persons and  
12 property within the institutions and facilities of the  
13 Department and their enforcement.

14 (i) "Escape" means the intentional and unauthorized  
15 absence of a committed person from the custody of the  
16 Department.

17 (j) "Furlough" means an authorized leave of absence from  
18 the Department of Corrections for a designated purpose and  
19 period of time.

20 (k) "Parole" means the conditional and revocable release  
21 of a person committed to the Department of Corrections under  
22 the supervision of a parole officer.

23 (l) "Prisoner Review Board" means the Board established in  
24 Section 3-3-1(a), independent of the Department, to review  
25 rules and regulations with respect to good time credits, to  
26 hear charges brought by the Department against certain

1 prisoners alleged to have violated Department rules with  
2 respect to good time credits, to set release dates for certain  
3 prisoners sentenced under the law in effect prior to February  
4 1, 1978 (the effective date of Public Act 80-1099) ~~this~~  
5 ~~Amendatory Act of 1977~~, to hear and decide the time of  
6 aftercare release for persons committed to the Department of  
7 Juvenile Justice under the Juvenile Court Act of 1987 to hear  
8 requests and make recommendations to the Governor with respect  
9 to pardon, reprieve or commutation, to set conditions for  
10 parole, aftercare release, and mandatory supervised release  
11 and determine whether violations of those conditions justify  
12 revocation of parole or release, and to assume all other  
13 functions previously exercised by the Illinois Parole and  
14 Pardon Board.

15 (m) Whenever medical treatment, service, counseling, or  
16 care is referred to in this Unified Code of Corrections, such  
17 term may be construed by the Department or Court, within its  
18 discretion, to include treatment, service, or counseling by a  
19 Christian Science practitioner or nursing care appropriate  
20 therewith whenever request therefor is made by a person  
21 subject to the provisions of this Code Act.

22 (n) "Victim" shall have the meaning ascribed to it in  
23 subsection (a) of Section 3 of the ~~Bill of Rights of Crime for~~  
24 ~~Victims and Witnesses of Violent Crime~~ Act.

25 (o) "Wrongfully imprisoned person" means a person who has  
26 been discharged from a prison of this State and has received:

1           (1) a pardon from the Governor stating that such  
2           pardon is issued on the ground of innocence of the crime  
3           for which he or she was imprisoned; or

4           (2) a certificate of innocence from the Circuit Court  
5           as provided in Section 2-702 of the Code of Civil  
6           Procedure.

7           (Source: P.A. 100-198, eff. 1-1-18; revised 9-21-20.)

8           (730 ILCS 5/3-2-7) (from Ch. 38, par. 1003-2-7)

9           Sec. 3-2-7. Staff Training and Development.

10          (a) The Department shall train its own personnel and any  
11          personnel from local agencies by agreements under Section  
12          3-15-2.

13          (b) To develop and train its personnel, the Department may  
14          make grants in aid for academic study and training in fields  
15          related to corrections. The Department shall establish rules  
16          for the conditions and amounts of such grants. The Department  
17          may employ any person during his program of studies and may  
18          require the person to work for it on completion of his program  
19          according to the agreement entered into between the person  
20          receiving the grant and the Department.

21          (c) The Department shall implement a wellness program to  
22          provide employees and staff with support to address both  
23          professional and personal challenges as they relate to the  
24          correctional environment. The Department shall establish  
25          response teams to provide comprehensive support to employees

1 and staff affected by events that are both duty-related and  
2 not duty-related and provide training to response team  
3 members. The wellness program shall be accessible to any  
4 Department employee, whether full-time or part-time,  
5 contractual or temporary staff and approved volunteers. The  
6 wellness program may include, but not limited to, providing  
7 information, education, referrals, peer support, debriefing,  
8 and newsletters. Employee and staff access to wellness  
9 response team support shall be voluntary and remain  
10 confidential.

11 (Source: P.A. 77-2097.)

12 (730 ILCS 5/3-2.5-15)

13 Sec. 3-2.5-15. Department of Juvenile Justice; assumption  
14 of duties of the Juvenile Division.

15 (a) The Department of Juvenile Justice shall assume the  
16 rights, powers, duties, and responsibilities of the Juvenile  
17 Division of the Department of Corrections. Personnel, books,  
18 records, property, and unencumbered appropriations pertaining  
19 to the Juvenile Division of the Department of Corrections  
20 shall be transferred to the Department of Juvenile Justice on  
21 the effective date of this amendatory Act of the 94th General  
22 Assembly. Any rights of employees or the State under the  
23 Personnel Code or any other contract or plan shall be  
24 unaffected by this transfer.

25 (b) Department of Juvenile Justice personnel who are hired



1 by the Department on or after the effective date of this  
2 amendatory Act of the 94th General Assembly and who  
3 participate or assist in the rehabilitative and vocational  
4 training of delinquent youths, supervise the daily activities  
5 involving direct and continuing responsibility for the youth's  
6 security, welfare and development, or participate in the  
7 personal rehabilitation of delinquent youth by training,  
8 supervising, and assisting lower level personnel who perform  
9 these duties must be over the age of 21 and have any bachelor's  
10 or advanced degree from an accredited college or university.  
11 This requirement shall not apply to security, clerical, food  
12 service, and maintenance staff that do not have direct and  
13 regular contact with youth. The degree requirements specified  
14 in this subsection (b) are not required of persons who provide  
15 vocational training and who have adequate knowledge in the  
16 skill for which they are providing the vocational training.

17 (c) Subsection (b) of this Section does not apply to  
18 personnel transferred to the Department of Juvenile Justice on  
19 the effective date of this amendatory Act of the 94th General  
20 Assembly.

21 (d) The Department shall be under the direction of the  
22 Director of Juvenile Justice as provided in this Code.

23 (e) The Director shall organize divisions within the  
24 Department and shall assign functions, powers, duties, and  
25 personnel as required by law. The Director may create other  
26 divisions and may assign other functions, powers, duties, and

1 personnel as may be necessary or desirable to carry out the  
2 functions and responsibilities vested by law in the  
3 Department. The Director may, with the approval of the Office  
4 of the Governor, assign to and share functions, powers,  
5 duties, and personnel with other State agencies such that  
6 administrative services and administrative facilities are  
7 provided by a shared administrative service center. Where  
8 possible, shared services which impact youth should be done  
9 with child-serving agencies. These administrative services may  
10 include, but are not limited to, all of the following  
11 functions: budgeting, accounting related functions, auditing,  
12 human resources, legal, procurement, training, data collection  
13 and analysis, information technology, internal investigations,  
14 intelligence, legislative services, emergency response  
15 capability, statewide transportation services, and general  
16 office support.

17 (f) The Department of Juvenile Justice may enter into  
18 intergovernmental cooperation agreements under which minors  
19 adjudicated delinquent and committed to the Department of  
20 Juvenile Justice may participate in county juvenile impact  
21 incarceration programs established under Section 3-6039 of the  
22 Counties Code.

23 (g) The Department of Juvenile Justice must comply with  
24 the ethnic and racial background data collection procedures  
25 provided in Section 4.5 of the Criminal Identification Act.

26 (h) The Department of Juvenile Justice shall implement a

1 wellness program to support health and wellbeing among staff  
2 and service providers within the Department of Juvenile  
3 Justice environment. The Department of Juvenile Justice shall  
4 establish response teams to provide support to employees and  
5 staff affected by events that are both duty-related and not  
6 duty-related and provide training to response team members.  
7 The Department's wellness program shall be accessible to any  
8 Department employee or service provider, including contractual  
9 employees and approved volunteers. The wellness program may  
10 include information sharing, education and activities designed  
11 to support health and well-being within the Department's  
12 environment. Access to wellness response team support shall be  
13 voluntary and remain confidential.

14 (Source: P.A. 100-19, eff. 1-1-18.)