



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4141

Introduced 10/19/2021, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2
730 ILCS 5/3-7-2

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

Amends the Unified Code of Corrections. Provides that the Director of Corrections shall appoint a Family Liaison Officer to review any denial of or restrictions on visitation to a committed person by a person who, immediately before incarceration of the committed person, was a family or household member of the committed person if the committed person has filed with the chief administrative officer of the facility a list of those persons whom the committed person wishes to visit him or her at the facility. Provides that the Department of Corrections shall adopt rules regarding in-person or video conferencing with committed persons. Provides that a staff member of a facility may not deny an in-person or video conferencing visit for any reason other than as provided for by rule. Provides that visitation rules shall be published on the Department's website. Provides that any potential visitor who is denied a visit shall be given a standard form, in writing, that includes the specific rule that is the basis for the denial and the Family Liaison Officer information if the potential visitor wishes to appeal the denial of the visitation. Provides that the Department's Family Liaison Officer shall review within 15 days after receipt each visitation denial and determine whether the denial was appropriate under the specific rule. Provides that the written review and its outcome shall be published on the Department's website. Effective immediately.

LRB102 19913 RLC 28690 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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. Public policy and findings.

5 (a) The General Assembly finds that it is the public
6 policy of the State of Illinois that frequent in-person visits
7 from family and household members to committed persons in
8 correctional facilities are among the best ways to increase
9 the success of rehabilitation and re-entry of committed
10 persons into society.

11 (b) The General Assembly finds that the lack of data,
12 transparency, or statewide rules and procedures to actively
13 encourage in-person visitation has hindered the State's
14 mission to successfully reintegrate committed persons into
15 society and promote family stability. The General Assembly
16 further finds that in-person visitation is without any
17 additional cost to the State and the many social benefits,
18 particularly to the family and household members of the
19 committed person, justify centering visitation as a core
20 function of every Department of Corrections facility.

21 Section 5. The Unified Code of Corrections is amended by
22 changing Sections 3-2-2 and 3-7-2 as follows:

1 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)
2 Sec. 3-2-2. Powers and duties of the Department.

3 (1) In addition to the powers, duties, and
4 responsibilities which are otherwise provided by law, the
5 Department shall have the following powers:

6 (a) To accept persons committed to it by the courts of
7 this State for care, custody, treatment and
8 rehabilitation, and to accept federal prisoners and aliens
9 over whom the Office of the Federal Detention Trustee is
10 authorized to exercise the federal detention function for
11 limited purposes and periods of time.

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

1 (b-1) To create and implement, on January 1, 2002, a
2 pilot program to establish the effectiveness of
3 pupillometer technology (the measurement of the pupil's
4 reaction to light) as an alternative to a urine test for
5 purposes of screening and evaluating persons committed to
6 its custody who have alcohol or drug problems. The pilot
7 program shall require the pupillometer technology to be
8 used in at least one Department of Corrections facility.
9 The Director may expand the pilot program to include an
10 additional facility or facilities as he or she deems
11 appropriate. A minimum of 4,000 tests shall be included in
12 the pilot program. The Department must report to the
13 General Assembly on the effectiveness of the program by
14 January 1, 2003.

15 (b-5) To develop, in consultation with the Department
16 of State Police, a program for tracking and evaluating
17 each inmate from commitment through release for recording
18 his or her gang affiliations, activities, or ranks.

19 (c) To maintain and administer all State correctional
20 institutions and facilities under its control and to
21 establish new ones as needed. Pursuant to its power to
22 establish new institutions and facilities, the Department
23 may, with the written approval of the Governor, authorize
24 the Department of Central Management Services to enter
25 into an agreement of the type described in subsection (d)
26 of Section 405-300 of the Department of Central Management

1 Services Law (20 ILCS 405/405-300). The Department shall
2 designate those institutions which shall constitute the
3 State Penitentiary System.

4 Pursuant to its power to establish new institutions
5 and facilities, the Department may authorize the
6 Department of Central Management Services to accept bids
7 from counties and municipalities for the construction,
8 remodeling or conversion of a structure to be leased to
9 the Department of Corrections for the purposes of its
10 serving as a correctional institution or facility. Such
11 construction, remodeling or conversion may be financed
12 with revenue bonds issued pursuant to the Industrial
13 Building Revenue Bond Act by the municipality or county.
14 The lease specified in a bid shall be for a term of not
15 less than the time needed to retire any revenue bonds used
16 to finance the project, but not to exceed 40 years. The
17 lease may grant to the State the option to purchase the
18 structure outright.

19 Upon receipt of the bids, the Department may certify
20 one or more of the bids and shall submit any such bids to
21 the General Assembly for approval. Upon approval of a bid
22 by a constitutional majority of both houses of the General
23 Assembly, pursuant to joint resolution, the Department of
24 Central Management Services may enter into an agreement
25 with the county or municipality pursuant to such bid.

26 (c-5) To build and maintain regional juvenile

1 detention centers and to charge a per diem to the counties
2 as established by the Department to defray the costs of
3 housing each minor in a center. In this subsection (c-5),
4 "juvenile detention center" means a facility to house
5 minors during pendency of trial who have been transferred
6 from proceedings under the Juvenile Court Act of 1987 to
7 prosecutions under the criminal laws of this State in
8 accordance with Section 5-805 of the Juvenile Court Act of
9 1987, whether the transfer was by operation of law or
10 permissive under that Section. The Department shall
11 designate the counties to be served by each regional
12 juvenile detention center.

13 (d) To develop and maintain programs of control,
14 rehabilitation and employment of committed persons within
15 its institutions.

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

18 (d-10) To provide educational and visitation
19 opportunities to committed persons within its institutions
20 through temporary access to content-controlled tablets
21 that may be provided as a privilege to committed persons
22 to induce or reward compliance.

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

25 (f) To establish in cooperation with the Department of
26 Transportation to supply a sufficient number of prisoners

1 for use by the Department of Transportation to clean up
2 the trash and garbage along State, county, township, or
3 municipal highways as designated by the Department of
4 Transportation. The Department of Corrections, at the
5 request of the Department of Transportation, shall furnish
6 such prisoners at least annually for a period to be agreed
7 upon between the Director of Corrections and the Secretary
8 of Transportation. The prisoners used on this program
9 shall be selected by the Director of Corrections on
10 whatever basis he deems proper in consideration of their
11 term, behavior and earned eligibility to participate in
12 such program - where they will be outside of the prison
13 facility but still in the custody of the Department of
14 Corrections. Prisoners convicted of first degree murder,
15 or a Class X felony, or armed violence, or aggravated
16 kidnapping, or criminal sexual assault, aggravated
17 criminal sexual abuse or a subsequent conviction for
18 criminal sexual abuse, or forcible detention, or arson, or
19 a prisoner adjudged a Habitual Criminal shall not be
20 eligible for selection to participate in such program. The
21 prisoners shall remain as prisoners in the custody of the
22 Department of Corrections and such Department shall
23 furnish whatever security is necessary. The Department of
24 Transportation shall furnish trucks and equipment for the
25 highway cleanup program and personnel to supervise and
26 direct the program. Neither the Department of Corrections

1 nor the Department of Transportation shall replace any
2 regular employee with a prisoner.

3 (g) To maintain records of persons committed to it and
4 to establish programs of research, statistics and
5 planning.

6 (h) To investigate the grievances of any person
7 committed to the Department and to inquire into any
8 alleged misconduct by employees or committed persons; and
9 for these purposes it may issue subpoenas and compel the
10 attendance of witnesses and the production of writings and
11 papers, and may examine under oath any witnesses who may
12 appear before it; to also investigate alleged violations
13 of a parolee's or releasee's conditions of parole or
14 release; and for this purpose it may issue subpoenas and
15 compel the attendance of witnesses and the production of
16 documents only if there is reason to believe that such
17 procedures would provide evidence that such violations
18 have occurred.

19 If any person fails to obey a subpoena issued under
20 this subsection, the Director may apply to any circuit
21 court to secure compliance with the subpoena. The failure
22 to comply with the order of the court issued in response
23 thereto shall be punishable as contempt of court.

24 (i) To appoint and remove the chief administrative
25 officers, and administer programs of training and
26 development of personnel of the Department. Personnel

1 assigned by the Department to be responsible for the
2 custody and control of committed persons or to investigate
3 the alleged misconduct of committed persons or employees
4 or alleged violations of a parolee's or releasee's
5 conditions of parole shall be conservators of the peace
6 for those purposes, and shall have the full power of peace
7 officers outside of the facilities of the Department in
8 the protection, arrest, retaking and reconfining of
9 committed persons or where the exercise of such power is
10 necessary to the investigation of such misconduct or
11 violations. This subsection shall not apply to persons
12 committed to the Department of Juvenile Justice under the
13 Juvenile Court Act of 1987 on aftercare release.

14 (j) To cooperate with other departments and agencies
15 and with local communities for the development of
16 standards and programs for better correctional services in
17 this State.

18 (k) To administer all moneys and properties of the
19 Department.

20 (l) To report annually to the Governor on the
21 committed persons, institutions and programs of the
22 Department.

23 (l-5) (Blank).

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

26 (n) To establish rules and regulations for

1 administering a system of sentence credits, established in
2 accordance with Section 3-6-3, subject to review by the
3 Prisoner Review Board.

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

9 (p) To exchange information with the Department of
10 Human Services and the Department of Healthcare and Family
11 Services for the purpose of verifying living arrangements
12 and for other purposes directly connected with the
13 administration of this Code and the Illinois Public Aid
14 Code.

15 (q) To establish a diversion program.

16 The program shall provide a structured environment for
17 selected technical parole or mandatory supervised release
18 violators and committed persons who have violated the
19 rules governing their conduct while in work release. This
20 program shall not apply to those persons who have
21 committed a new offense while serving on parole or
22 mandatory supervised release or while committed to work
23 release.

24 Elements of the program shall include, but shall not
25 be limited to, the following:

26 (1) The staff of a diversion facility shall

1 provide supervision in accordance with required
2 objectives set by the facility.

3 (2) Participants shall be required to maintain
4 employment.

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

8 (4) Each participant shall:

9 (A) provide restitution to victims in
10 accordance with any court order;

11 (B) provide financial support to his
12 dependents; and

13 (C) make appropriate payments toward any other
14 court-ordered obligations.

15 (5) Each participant shall complete community
16 service in addition to employment.

17 (6) Participants shall take part in such
18 counseling, educational and other programs as the
19 Department may deem appropriate.

20 (7) Participants shall submit to drug and alcohol
21 screening.

22 (8) The Department shall promulgate rules
23 governing the administration of the program.

24 (r) To enter into intergovernmental cooperation
25 agreements under which persons in the custody of the
26 Department may participate in a county impact

1 incarceration program established under Section 3-6038 or
2 3-15003.5 of the Counties Code.

3 (r-5) (Blank).

4 (r-10) To systematically and routinely identify with
5 respect to each streetgang active within the correctional
6 system: (1) each active gang; (2) every existing
7 inter-gang affiliation or alliance; and (3) the current
8 leaders in each gang. The Department shall promptly
9 segregate leaders from inmates who belong to their gangs
10 and allied gangs. "Segregate" means no physical contact
11 and, to the extent possible under the conditions and space
12 available at the correctional facility, prohibition of
13 visual and sound communication. For the purposes of this
14 paragraph (r-10), "leaders" means persons who:

15 (i) are members of a criminal streetgang;

16 (ii) with respect to other individuals within the
17 streetgang, occupy a position of organizer,
18 supervisor, or other position of management or
19 leadership; and

20 (iii) are actively and personally engaged in
21 directing, ordering, authorizing, or requesting
22 commission of criminal acts by others, which are
23 punishable as a felony, in furtherance of streetgang
24 related activity both within and outside of the
25 Department of Corrections.

26 "Streetgang", "gang", and "streetgang related" have the

1 meanings ascribed to them in Section 10 of the Illinois
2 Streetgang Terrorism Omnibus Prevention Act.

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

7 (t) To monitor any unprivileged conversation or any
8 unprivileged communication, whether in person or by mail,
9 telephone, or other means, between an inmate who, before
10 commitment to the Department, was a member of an organized
11 gang and any other person without the need to show cause or
12 satisfy any other requirement of law before beginning the
13 monitoring, except as constitutionally required. The
14 monitoring may be by video, voice, or other method of
15 recording or by any other means. As used in this
16 subdivision (1)(t), "organized gang" has the meaning
17 ascribed to it in Section 10 of the Illinois Streetgang
18 Terrorism Omnibus Prevention Act.

19 As used in this subdivision (1)(t), "unprivileged
20 conversation" or "unprivileged communication" means a
21 conversation or communication that is not protected by any
22 privilege recognized by law or by decision, rule, or order
23 of the Illinois Supreme Court.

24 (u) To establish a Women's and Children's Pre-release
25 Community Supervision Program for the purpose of providing
26 housing and services to eligible female inmates, as

1 determined by the Department, and their newborn and young
2 children.

3 (u-5) To issue an order, whenever a person committed
4 to the Department absconds or absents himself or herself,
5 without authority to do so, from any facility or program
6 to which he or she is assigned. The order shall be
7 certified by the Director, the Supervisor of the
8 Apprehension Unit, or any person duly designated by the
9 Director, with the seal of the Department affixed. The
10 order shall be directed to all sheriffs, coroners, and
11 police officers, or to any particular person named in the
12 order. Any order issued pursuant to this subdivision (1)
13 (u-5) shall be sufficient warrant for the officer or
14 person named in the order to arrest and deliver the
15 committed person to the proper correctional officials and
16 shall be executed the same as criminal process.

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

19 (2) The Department of Corrections shall by January 1,
20 1998, consider building and operating a correctional facility
21 within 100 miles of a county of over 2,000,000 inhabitants,
22 especially a facility designed to house juvenile participants
23 in the impact incarceration program.

24 (3) When the Department lets bids for contracts for
25 medical services to be provided to persons committed to
26 Department facilities by a health maintenance organization,

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

6 (4) When the Department lets bids for contracts for food
7 or commissary services to be provided to Department
8 facilities, the bid may only be let to a food or commissary
9 services provider that has obtained an irrevocable letter of
10 credit or performance bond issued by a company whose bonds
11 have an investment grade or higher rating by a bond rating
12 organization.

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

1 (6) The Director shall appoint a Family Liaison Officer to
2 review any denial of or restrictions on visitation to a
3 committed person by a person who, immediately before
4 incarceration of the committed person, was a family or
5 household member of the committed person if the committed
6 person has filed with the chief administrative officer of the
7 facility a list of those persons whom the committed person
8 wishes to visit him or her at the facility. In this Section and
9 Section 3-7-2, "family or household member" has the meaning
10 ascribed to it in Section 112A-3 of the Code of Criminal
11 Procedure of 1963.

12 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;
13 101-235, eff. 1-1-20.)

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
25 shall provide facilities for every committed person to leave

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

5 (d) All institutions and facilities of the Department
6 shall provide every committed person with a wholesome and
7 nutritional diet at regularly scheduled hours, drinking water,
8 clothing adequate for the season, bedding, soap and towels and
9 medical and dental care.

10 (e) All institutions and facilities of the Department
11 shall permit every committed person to send and receive an
12 unlimited number of uncensored letters, provided, however,
13 that the Director may order that mail be inspected and read for
14 reasons of the security, safety or morale of the institution
15 or facility.

16 (f) All of the institutions and facilities of the
17 Department shall permit every committed person to receive
18 in-person visitors and video contact, if available, except in
19 case of abuse of the visiting privilege or when the chief
20 administrative officer determines that such visiting would be
21 harmful or dangerous to the security, safety or morale of the
22 institution or facility. Each committed person is entitled to
23 7 visits per month. Every committed person may submit a list of
24 at least 30 persons to the Department that are authorized to
25 visit the committed person. The list shall be kept in an
26 electronic format by the Department beginning on August 1,

1 2019, as well as available in paper form for Department
2 employees. The chief administrative officer shall have the
3 right to restrict visitation to non-contact visits, video, or
4 other forms of non-contact visits for reasons of safety,
5 security, and order, including, but not limited to,
6 restricting contact visits for committed persons engaged in
7 gang activity. No committed person in a super maximum security
8 facility or on disciplinary segregation is allowed contact
9 visits. Any committed person found in possession of illegal
10 drugs or who fails a drug test shall not be permitted contact
11 visits for a period of at least 6 months. Any committed person
12 involved in gang activities or found guilty of assault
13 committed against a Department employee shall not be permitted
14 contact visits for a period of at least 6 months. The
15 Department shall offer every visitor appropriate written
16 information concerning HIV and AIDS, including information
17 concerning how to contact the Illinois Department of Public
18 Health for counseling information. The Department shall
19 develop the written materials in consultation with the
20 Department of Public Health. The Department shall ensure that
21 all such information and materials are culturally sensitive
22 and reflect cultural diversity as appropriate. Implementation
23 of the changes made to this Section by Public Act 94-629 is
24 subject to appropriation. The Department shall seek the lowest
25 possible cost to provide video calling and shall charge to the
26 extent of recovering any demonstrated costs of providing video

1 calling. The Department shall not make a commission or profit
2 from video calling services. Nothing in this Section shall be
3 construed to permit video calling instead of in-person
4 visitation.

5 (f-5) (Blank).

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

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

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

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

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

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

20 (2) This policy shall be posted on the Department website
21 and at each facility.

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

1 (f-20) The Department shall adopt rules regarding
2 in-person or video conferencing with committed persons. A
3 staff member of a facility may not deny an in-person or video
4 conferencing visit for any reason other than as provided for
5 by rule. Visitation rules shall be published on the
6 Department's website. Any potential visitor who is denied a
7 visit shall be given a standard form, in writing, that
8 includes the specific rule that is the basis for the denial and
9 the Family Liaison Officer information if the potential
10 visitor wishes to appeal the denial of the visitation. The
11 Department's Family Liaison Officer shall review within 15
12 days after receipt each visitation denial and determine
13 whether the denial was appropriate under the specific rule.
14 The written review and its outcome shall be published on the
15 Department's website.

16 (g) All institutions and facilities of the Department
17 shall permit religious ministrations and sacraments to be
18 available to every committed person, but attendance at
19 religious services shall not be required.

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

24 (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;
25 100-142, eff. 1-1-18; 100-677, eff. 1-1-19; 100-863, eff.
26 8-14-18.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.