

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 5. The Nursing Home Care Act is amended by changing  
5 Sections 2-110 and 2-201.5 and by adding Sections 1-114.01,  
6 2-216, 3-202.3, and 3-202.4 as follows:

7 (210 ILCS 45/1-114.01 new)

8 Sec. 1-114.01. Identified offender. "Identified offender"  
9 means a person who has been convicted of any felony offense  
10 listed in Section 25 of the Health Care Worker Background Check  
11 Act, is a registered sex offender, or is serving a term of  
12 parole, mandatory supervised release, or probation for a felony  
13 offense.

14 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

15 Sec. 2-110. (a) Any employee or agent of a public agency,  
16 any representative of a community legal services program or any  
17 other member of the general public shall be permitted access at  
18 reasonable hours to any individual resident of any facility,  
19 but only if there is neither a commercial purpose nor effect to  
20 such access and if the purpose is to do any of the following:

21 (1) Visit, talk with and make personal, social and legal  
22 services available to all residents;

23 (2) Inform residents of their rights and entitlements and  
24 their corresponding obligations, under federal and State laws,  
25 by means of educational materials and discussions in groups and  
26 with individual residents;

27 (3) Assist residents in asserting their legal rights  
28 regarding claims for public assistance, medical assistance and  
29 social security benefits, as well as in all other matters in  
30 which residents are aggrieved. Assistance may include  
31 counseling and litigation; or

1           (4) Engage in other methods of asserting, advising and  
2 representing residents so as to extend to them full enjoyment  
3 of their rights.

4           (a-5) If a resident of a licensed facility is an identified  
5 offender, any federal, State, or local law enforcement officer  
6 or county probation officer shall be permitted reasonable  
7 access to the individual resident to verify compliance with the  
8 requirements of the Sex Offender Registration Act or to verify  
9 compliance with applicable terms of probation, parole, or  
10 mandatory supervised release.

11           (b) All persons entering a facility under this Section  
12 shall promptly notify appropriate facility personnel of their  
13 presence. They shall, upon request, produce identification to  
14 establish their identity. No such person shall enter the  
15 immediate living area of any resident without first identifying  
16 himself and then receiving permission from the resident to  
17 enter. The rights of other residents present in the room shall  
18 be respected. A resident may terminate at any time a visit by a  
19 person having access to the resident's living area under this  
20 Section.

21           (c) This Section shall not limit the power of the  
22 Department or other public agency otherwise permitted or  
23 required by law to enter and inspect a facility.

24           (d) Notwithstanding paragraph (a) of this Section, the  
25 administrator of a facility may refuse access to the facility  
26 to any person if the presence of that person in the facility  
27 would be injurious to the health and safety of a resident or  
28 would threaten the security of the property of a resident or  
29 the facility, or if the person seeks access to the facility for  
30 commercial purposes. Any person refused access to a facility  
31 may within 10 days request a hearing under Section 3-703. In  
32 that proceeding, the burden of proof as to the right of the  
33 facility to refuse access under this Section shall be on the  
34 facility.

35           (Source: P.A. 82-783.)

1 (210 ILCS 45/2-201.5)

2 Sec. 2-201.5. Screening prior to admission.

3 (a) All persons age 18 or older seeking admission to a  
4 nursing facility must be screened to determine the need for  
5 nursing facility services prior to being admitted, regardless  
6 of income, assets, or funding source. In addition, any person  
7 who seeks to become eligible for medical assistance from the  
8 Medical Assistance Program under the Illinois Public Aid Code  
9 to pay for long term care services while residing in a facility  
10 must be screened prior to receiving those benefits. Screening  
11 for nursing facility services shall be administered through  
12 procedures established by administrative rule. Screening may  
13 be done by agencies other than the Department as established by  
14 administrative rule. This Section applies on and after July 1,  
15 1996.

16 (b) In addition to the screening required by subsection  
17 (a), identified offenders who seek admission to a licensed  
18 facility shall not be admitted unless the licensed facility  
19 complies with the requirements of the Department's  
20 administrative rules adopted pursuant to Section 3-202.3.

21 (Source: P.A. 91-467, eff. 1-1-00.)

22 (210 ILCS 45/2-216 new)

23 Sec. 2-216. Notification of identified offenders. If  
24 identified offenders are residents of the licensed facility,  
25 the licensed facility shall notify every resident or resident's  
26 guardian in writing that such offenders are residents of the  
27 licensed facility. The licensed facility shall also provide  
28 notice to its employees and to visitors to the facility that  
29 identified offenders are residents.

30 (210 ILCS 45/3-202.3 new)

31 Sec. 3-202.3. Identified offenders as residents. No later  
32 than 30 days after the effective date of this amendatory Act of  
33 the 94th General Assembly, the Department shall file with the  
34 Illinois Secretary of State's Office, pursuant to the Illinois

1 Administrative Procedure Act, emergency rules regarding the  
2 provision of services to identified offenders. The emergency  
3 rules shall provide for, or include, but not be limited to the  
4 following:

5 (1) A process for the identification of identified  
6 offenders.

7 (2) A required risk assessment of identified  
8 offenders.

9 (3) A requirement that a licensed facility be required,  
10 within 10 days of the filing of the emergency rules, to  
11 compare its residents against the Illinois Department of  
12 Corrections and Illinois State Police registered sex  
13 offender databases.

14 (4) A requirement that the licensed facility notify the  
15 Department within 48 hours of determining that a resident  
16 or residents of the licensed facility are listed on the  
17 Illinois Department of Corrections or Illinois State  
18 Police registered sex offender databases.

19 (5) The care planning of identified offenders, which  
20 shall include, but not be limited to, a description of the  
21 security measures necessary to protect facility residents  
22 from the identified offender, including whether the  
23 identified offender should be segregated from other  
24 facility residents.

25 (6) For offenders serving terms of probation for felony  
26 offenses, parole, or mandatory supervised release, the  
27 facility shall acknowledge the terms of release as imposed  
28 by the court or Illinois Prisoner Review Board.

29 (7) The discharge planning for identified offenders.

30 (210 ILCS 45/3-202.4 new)

31 Sec. 3-202.4. Feasibility of segregating identified  
32 offenders. The Department shall determine the feasibility of  
33 requiring identified offenders that seek admission to a  
34 licensed facility to be segregated from other residents. The  
35 Department shall report its findings to the General Assembly

1 and the Office of the Governor not later than 6 months after  
2 the effective date of this amendatory Act of the 94th General  
3 Assembly.

4 Section 10. The Unified Code of Corrections is amended by  
5 changing Section 3-14-1 as follows:

6 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

7 Sec. 3-14-1. Release from the Institution.

8 (a) Upon release of a person on parole, mandatory release,  
9 final discharge or pardon the Department shall return all  
10 property held for him, provide him with suitable clothing and  
11 procure necessary transportation for him to his designated  
12 place of residence and employment. It may provide such person  
13 with a grant of money for travel and expenses which may be paid  
14 in installments. The amount of the money grant shall be  
15 determined by the Department.

16 The Department of Corrections may establish and maintain,  
17 in any institution it administers, revolving funds to be known  
18 as "Travel and Allowances Revolving Funds". These revolving  
19 funds shall be used for advancing travel and expense allowances  
20 to committed, paroled, and discharged prisoners. The moneys  
21 paid into such revolving funds shall be from appropriations to  
22 the Department for Committed, Paroled, and Discharged  
23 Prisoners.

24 (b) (Blank).

25 (c) Except as otherwise provided in this Code, the  
26 Department shall establish procedures to provide written  
27 notification of any release of any person who has been  
28 convicted of a felony to the State's Attorney and sheriff of  
29 the county from which the offender was committed, and the  
30 State's Attorney and sheriff of the county into which the  
31 offender is to be paroled or released. Except as otherwise  
32 provided in this Code, the Department shall establish  
33 procedures to provide written notification to the proper law  
34 enforcement agency for any municipality of any release of any

1 person who has been convicted of a felony if the arrest of the  
2 offender or the commission of the offense took place in the  
3 municipality, if the offender is to be paroled or released into  
4 the municipality, or if the offender resided in the  
5 municipality at the time of the commission of the offense. If a  
6 person convicted of a felony who is in the custody of the  
7 Department of Corrections or on parole or mandatory supervised  
8 release informs the Department that he or she has resided,  
9 resides, or will reside at an address that is a housing  
10 facility owned, managed, operated, or leased by a public  
11 housing agency, the Department must send written notification  
12 of that information to the public housing agency that owns,  
13 manages, operates, or leases the housing facility. The written  
14 notification shall, when possible, be given at least 14 days  
15 before release of the person from custody, or as soon  
16 thereafter as possible.

17 (c-1) (Blank).

18 (c-5) If a person on parole or mandatory supervised release  
19 becomes a resident of a facility licensed or regulated by the  
20 Department of Public Health, the Illinois Department of Public  
21 Aid, or the Illinois Department of Human Services, the  
22 Department of Corrections shall provide copies of the following  
23 information to the appropriate licensing or regulating  
24 Department and the licensed or regulated facility where the  
25 person becomes a resident:

26 (1) The mittimus and any pre-sentence investigation  
27 reports.

28 (2) The social evaluation prepared pursuant to Section  
29 3-8-2.

30 (3) Any pre-release evaluation conducted pursuant to  
31 subsection (j) of Section 3-6-2.

32 (4) Reports of disciplinary infractions and  
33 dispositions.

34 (5) Any parole plan, including orders issued by the  
35 Prisoner Review Board, and any violation reports and  
36 dispositions.

1           (6) The name and contact information for the assigned  
2           parole agent and parole supervisor.

3           This information shall be provided within 3 days of the  
4           person becoming a resident of the facility.

5           (c-10) If a person on parole or mandatory supervised  
6           release becomes a resident of a facility licensed or regulated  
7           by the Department of Public Health, the Illinois Department of  
8           Public Aid, or the Illinois Department of Human Services, the  
9           Department of Corrections shall provide written notification  
10          of such residence to the following:

11           (1) The Prisoner Review Board.

12           (2) The chief of police and sheriff in the municipality  
13           and county in which the licensed facility is located.

14          The notification shall be provided within 3 days of the  
15          person becoming a resident of the facility.

16          (d) Upon the release of a committed person on parole,  
17          mandatory supervised release, final discharge or pardon, the  
18          Department shall provide such person with information  
19          concerning programs and services of the Illinois Department of  
20          Public Health to ascertain whether such person has been exposed  
21          to the human immunodeficiency virus (HIV) or any identified  
22          causative agent of Acquired Immunodeficiency Syndrome (AIDS).

23          (e) Upon the release of a committed person on parole,  
24          mandatory supervised release, final discharge, or pardon, the  
25          Department shall provide the person who has met the criteria  
26          established by the Department with an identification card  
27          identifying the person as being on parole, mandatory supervised  
28          release, final discharge, or pardon, as the case may be. The  
29          Department, in consultation with the Office of the Secretary of  
30          State, shall prescribe the form of the identification card,  
31          which may be similar to the form of the standard Illinois  
32          Identification Card. The Department shall inform the committed  
33          person that he or she may present the identification card to  
34          the Office of the Secretary of State upon application for a  
35          standard Illinois Identification Card in accordance with the  
36          Illinois Identification Card Act. The Department shall require

1 the committed person to pay a \$1 fee for the identification  
2 card.

3 For purposes of a committed person receiving an  
4 identification card issued by the Department under this  
5 subsection, the Department shall establish criteria that the  
6 committed person must meet before the card is issued. It is the  
7 sole responsibility of the committed person requesting the  
8 identification card issued by the Department to meet the  
9 established criteria. The person's failure to meet the criteria  
10 is sufficient reason to deny the committed person the  
11 identification card. An identification card issued by the  
12 Department under this subsection shall be valid for a period of  
13 time not to exceed 30 calendar days from the date the card is  
14 issued. The Department shall not be held civilly or criminally  
15 liable to anyone because of any act of any person utilizing a  
16 card issued by the Department under this subsection.

17 The Department shall adopt rules governing the issuance of  
18 identification cards to committed persons being released on  
19 parole, mandatory supervised release, final discharge, or  
20 pardon.

21 (Source: P.A. 91-506, eff. 8-13-99; 91-695, eff. 4-13-00;  
22 92-240, eff. 1-1-02.)

23 Section 15. The Probation and Probation Officers Act is  
24 amended by changing Section 12 as follows:

25 (730 ILCS 110/12) (from Ch. 38, par. 204-4)

26 Sec. 12. The duties of probation officers shall be:

27 (1) To investigate as required by Section 5-3-1 of the  
28 "Unified Code of Corrections", approved July 26, 1972, as  
29 amended, the case of any person to be placed on probation. Full  
30 opportunity shall be afforded a probation officer to confer  
31 with the person under investigation when such person is in  
32 custody.

33 (2) To notify the court of any previous conviction for  
34 crime or previous probation of any defendant invoking the



1 provisions of this Act.

2 (3) All reports and notifications required in this Act to  
3 be made by probation officers shall be in writing and shall be  
4 filed by the clerk in the respective cases.

5 (4) To preserve complete and accurate records of cases  
6 investigated, including a description of the person  
7 investigated, the action of the court with respect to his case  
8 and his probation, the subsequent history of such person, if he  
9 becomes a probationer, during the continuance of his probation,  
10 which records shall be open to inspection by any judge or by  
11 any probation officer pursuant to order of court, but shall not  
12 be a public record, and its contents shall not be divulged  
13 otherwise than as above provided, except upon order of court.

14 (5) To take charge of and watch over all persons placed on  
15 probation under such regulations and for such terms as may be  
16 prescribed by the court, and giving to each probationer full  
17 instructions as to the terms of his release upon probation and  
18 requiring from him such periodical reports as shall keep the  
19 officer informed as to his conduct.

20 (6) To develop and operate programs of reasonable public or  
21 community service for any persons ordered by the court to  
22 perform public or community service, providing, however, that  
23 no probation officer or any employee of a probation office  
24 acting in the course of his official duties shall be liable for  
25 any tortious acts of any person performing public or community  
26 service except for wilful misconduct or gross negligence on the  
27 part of the probation officer or employee.

28 (7) When any person on probation removes from the county  
29 where his offense was committed, it shall be the duty of the  
30 officer under whose care he was placed to report the facts to  
31 the probation officer in the county to which the probationer  
32 has removed; and it shall thereupon become the duty of such  
33 probation officer to take charge of and watch over said  
34 probationer the same as if the case originated in that county;  
35 and for that purpose he shall have the same power and authority  
36 over said probationer as if he had been originally placed in

1 said officer's charge; and such officer shall be required to  
2 report in writing every 6 months, or more frequently upon  
3 request the results of his supervision to the probation officer  
4 in whose charge the said probationer was originally placed by  
5 the court.

6 (8) To authorize travel permits to individuals under their  
7 supervision unless otherwise ordered by the court.

8 (9) To perform such other duties as are provided for in  
9 this act or by rules of court and such incidental duties as may  
10 be implied from those expressly required.

11 (10) To send written notification to a public housing  
12 agency if a person on probation for a felony who is under the  
13 supervision of the probation officer informs the probation  
14 officer that he or she has resided, resides, or will reside at  
15 an address that is a housing facility owned, managed, operated,  
16 or leased by that public housing agency.

17 (11) If a person on probation for a felony offense who is  
18 under the supervision of the probation officer becomes a  
19 resident of a facility licensed or regulated by the Department  
20 of Public Health, the Illinois Department of Public Aid, or  
21 Illinois Department of Human Services, the probation officer  
22 shall within 3 days of the person becoming a resident, notify  
23 the licensing or regulating Department and licensed or  
24 regulated facility and shall provide the licensed or regulated  
25 facility and licensing or regulating Department with copies of  
26 the following:

27 (a) pre-sentence investigation reports or social  
28 investigation reports;

29 (b) any applicable probation orders and corresponding  
30 compliance plans;

31 (c) the name and contact information for the assigned  
32 probation officer.

33 (Source: P.A. 91-506, eff. 8-13-99.)

34 Section 99. Effective date. This Act takes effect upon  
35 becoming law.