

1 AN ACT in relation to health.

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 African-American HIV/AIDS Response Act.

6 Section 5. Legislative finding. The General Assembly finds  
7 that HIV/AIDS in the African-American community is a crisis  
8 separate and apart from the overall issue of HIV/AIDS in other  
9 communities.

10 Section 10. African-American HIV/AIDS Response Officer. An  
11 African-American HIV/AIDS Response Officer, responsible for  
12 coordinating efforts to address the African-American AIDS  
13 crisis within his or her respective Office or Department and  
14 serving as a liaison to governmental and non-governmental  
15 entities beyond his or her respective Office or Department  
16 regarding the same, shall be designated in each of the  
17 following:

- 18 (1) The Office of the Governor.  
19 (2) The Department of Human Services.  
20 (3) The Department of Public Health.  
21 (4) The Department of Corrections.

22 Section 15. State agencies; HIV testing.

23 (a) In this Section:

24 "High-risk community" means a community designated as  
25 high-risk by the Department of Public Health in rules.

26 "High-traffic facility" means a high-traffic facility as  
27 defined by the State agency operating the facility.

28 "State agency" means (i) any department of State government  
29 created under Section 5-15 of the Departments of State  
30 Government Law of the Civil Administrative Code of Illinois or

1 (ii) the Office of the Secretary of State.

2 (b) The Department of Public Health shall coordinate the  
3 response to HIV/AIDS in the African-American community.

4 (c) A State agency that operates a facility that (i) is  
5 accessible to the public, (ii) is a high-traffic facility, and  
6 (iii) serves a high-risk community must provide the following  
7 in each such facility where space and security reasonably  
8 permit: space for free HIV counseling and antibody testing to a  
9 community-based organization licensed to do testing, in  
10 accordance with the AIDS Confidentiality Act and rules adopted  
11 by the Department of Public Health. The State agency or its  
12 employees shall not conduct any counseling or testing required  
13 to be provided under this subsection, but the agency shall make  
14 appropriate arrangements with one or more certified  
15 community-based organizations to conduct the counseling or  
16 testing. The testing required to be provided under this  
17 subsection is the rapid testing authorized under Section 5.5 of  
18 the AIDS Confidentiality Act.

19 (d) Neither the State of Illinois nor any State agency  
20 supplying space for services authorized by this Section shall  
21 be liable for damages based on the provision of such space or  
22 claimed to result from any services performed in such space,  
23 except that this immunity does not apply in the case of willful  
24 and wanton misconduct.

25 Section 20. Study. The Illinois HIV/AIDS Policy and  
26 Research Institute at Chicago State University shall conduct a  
27 study to determine whether there is a correlation between  
28 incarceration and HIV infection.

29 Section 25. HIV/AIDS Response Review Panel.

30 (a) The HIV/AIDS Response Review Panel is established  
31 within the Office of the Governor. The Panel shall consist of  
32 the following members:

33 (1) One member appointed by the Governor. This member  
34 shall serve as the Chair of the Panel.

1           (2) One representative of each of the following,  
2 appointed by the head of the department: the Department of  
3 Corrections; the Department of Human Services; and the  
4 Department of Public Health.

5           (3) Two ex-offenders who are familiar with the issue of  
6 HIV/AIDS as it relates to incarceration, appointed by  
7 Governor. One of these members must be from Cook County,  
8 and the other must be from a county other than Cook. Both  
9 of these members must have received a final discharge from  
10 the Department of Corrections.

11           (4) Three representatives of HIV/AIDS organizations  
12 that have been in business for at least 2 years, appointed  
13 by Governor. In the case of such an organization that  
14 represents a constituency the majority of whom are  
15 African-American, the organization's representative who is  
16 a member of the Panel must be African-American.

17           (b) The Panel shall review the implementation of this Act  
18 within the Department of Corrections and shall file a report  
19 with the General Assembly and with the Governor every January 1  
20 stating the results of its review.

21           Section 30. Rules.

22           (a) No later than March 15, 2006, the Department of Public  
23 Health shall issue proposed rules for designating high-risk  
24 communities and for implementing subsection (c) of Section 15.  
25 The rules must include, but may not be limited to, a standard  
26 testing protocol, training for staff, community-based  
27 organization experience, and the removal and proper disposal of  
28 hazardous waste.

29           (b) The Department of Human Services, the Department of  
30 Public Health, and the Department of Corrections shall adopt  
31 rules as necessary to ensure that this Act is implemented  
32 within 6 months after the effective date of this Act.

33           Section 35. Implementation subject to appropriation.  
34 Implementation of this Act is subject to appropriation.

1 Section 90. The Department of Public Health Powers and  
2 Duties Law of the Civil Administrative Code of Illinois is  
3 amended by adding Section 2310-321 as follows:

4 (20 ILCS 2310/2310-321 new)

5 Sec. 2310-321. Information for persons committed to the  
6 Department of Corrections and persons confined in a county  
7 jail. On the Department's official Web site, the Department  
8 shall provide Web-friendly and printer-friendly versions of  
9 educational materials targeted to persons presently or  
10 previously committed to the Department of Corrections or  
11 confined in a county jail, as well as family members and  
12 friends of such persons. The information shall include  
13 information concerning testing, counseling, and case  
14 management, including referrals and support services, in  
15 connection with human immunodeficiency virus (HIV) or any other  
16 identified causative agent of acquired immunodeficiency  
17 syndrome (AIDS). Implementation of this Section is subject to  
18 appropriation.

19 Section 92. The Illinois Public Aid Code is amended by  
20 changing Sections 5-2 and 9A-4 and by adding Section 5-5.04 as  
21 follows:

22 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

23 Sec. 5-2. Classes of Persons Eligible. Medical assistance  
24 under this Article shall be available to any of the following  
25 classes of persons in respect to whom a plan for coverage has  
26 been submitted to the Governor by the Illinois Department and  
27 approved by him:

28 1. Recipients of basic maintenance grants under Articles  
29 III and IV.

30 2. Persons otherwise eligible for basic maintenance under  
31 Articles III and IV but who fail to qualify thereunder on the  
32 basis of need, and who have insufficient income and resources

1 to meet the costs of necessary medical care, including but not  
2 limited to the following:

3 (a) All persons otherwise eligible for basic  
4 maintenance under Article III but who fail to qualify under  
5 that Article on the basis of need and who meet either of  
6 the following requirements:

7 (i) their income, as determined by the Illinois  
8 Department in accordance with any federal  
9 requirements, is equal to or less than 70% in fiscal  
10 year 2001, equal to or less than 85% in fiscal year  
11 2002 and until a date to be determined by the  
12 Department by rule, and equal to or less than 100%  
13 beginning on the date determined by the Department by  
14 rule, of the nonfarm income official poverty line, as  
15 defined by the federal Office of Management and Budget  
16 and revised annually in accordance with Section 673(2)  
17 of the Omnibus Budget Reconciliation Act of 1981,  
18 applicable to families of the same size; or

19 (ii) their income, after the deduction of costs  
20 incurred for medical care and for other types of  
21 remedial care, is equal to or less than 70% in fiscal  
22 year 2001, equal to or less than 85% in fiscal year  
23 2002 and until a date to be determined by the  
24 Department by rule, and equal to or less than 100%  
25 beginning on the date determined by the Department by  
26 rule, of the nonfarm income official poverty line, as  
27 defined in item (i) of this subparagraph (a).

28 (b) All persons who would be determined eligible for  
29 such basic maintenance under Article IV by disregarding the  
30 maximum earned income permitted by federal law.

31 3. Persons who would otherwise qualify for Aid to the  
32 Medically Indigent under Article VII.

33 4. Persons not eligible under any of the preceding  
34 paragraphs who fall sick, are injured, or die, not having  
35 sufficient money, property or other resources to meet the costs  
36 of necessary medical care or funeral and burial expenses.

1           5. (a) Women during pregnancy, after the fact of pregnancy  
2           has been determined by medical diagnosis, and during the  
3           60-day period beginning on the last day of the pregnancy,  
4           together with their infants and children born after  
5           September 30, 1983, whose income and resources are  
6           insufficient to meet the costs of necessary medical care to  
7           the maximum extent possible under Title XIX of the Federal  
8           Social Security Act.

9           (b) The Illinois Department and the Governor shall  
10          provide a plan for coverage of the persons eligible under  
11          paragraph 5(a) by April 1, 1990. Such plan shall provide  
12          ambulatory prenatal care to pregnant women during a  
13          presumptive eligibility period and establish an income  
14          eligibility standard that is equal to 133% of the nonfarm  
15          income official poverty line, as defined by the federal  
16          Office of Management and Budget and revised annually in  
17          accordance with Section 673(2) of the Omnibus Budget  
18          Reconciliation Act of 1981, applicable to families of the  
19          same size, provided that costs incurred for medical care  
20          are not taken into account in determining such income  
21          eligibility.

22          (c) The Illinois Department may conduct a  
23          demonstration in at least one county that will provide  
24          medical assistance to pregnant women, together with their  
25          infants and children up to one year of age, where the  
26          income eligibility standard is set up to 185% of the  
27          nonfarm income official poverty line, as defined by the  
28          federal Office of Management and Budget. The Illinois  
29          Department shall seek and obtain necessary authorization  
30          provided under federal law to implement such a  
31          demonstration. Such demonstration may establish resource  
32          standards that are not more restrictive than those  
33          established under Article IV of this Code.

34          6. Persons under the age of 18 who fail to qualify as  
35          dependent under Article IV and who have insufficient income and  
36          resources to meet the costs of necessary medical care to the

1 maximum extent permitted under Title XIX of the Federal Social  
2 Security Act.

3 7. Persons who are under 21 years of age and would qualify  
4 as disabled as defined under the Federal Supplemental Security  
5 Income Program, provided medical service for such persons would  
6 be eligible for Federal Financial Participation, and provided  
7 the Illinois Department determines that:

8 (a) the person requires a level of care provided by a  
9 hospital, skilled nursing facility, or intermediate care  
10 facility, as determined by a physician licensed to practice  
11 medicine in all its branches;

12 (b) it is appropriate to provide such care outside of  
13 an institution, as determined by a physician licensed to  
14 practice medicine in all its branches;

15 (c) the estimated amount which would be expended for  
16 care outside the institution is not greater than the  
17 estimated amount which would be expended in an institution.

18 8. Persons who become ineligible for basic maintenance  
19 assistance under Article IV of this Code in programs  
20 administered by the Illinois Department due to employment  
21 earnings and persons in assistance units comprised of adults  
22 and children who become ineligible for basic maintenance  
23 assistance under Article VI of this Code due to employment  
24 earnings. The plan for coverage for this class of persons  
25 shall:

26 (a) extend the medical assistance coverage for up to 12  
27 months following termination of basic maintenance  
28 assistance; and

29 (b) offer persons who have initially received 6 months  
30 of the coverage provided in paragraph (a) above, the option  
31 of receiving an additional 6 months of coverage, subject to  
32 the following:

33 (i) such coverage shall be pursuant to provisions  
34 of the federal Social Security Act;

35 (ii) such coverage shall include all services  
36 covered while the person was eligible for basic

1 maintenance assistance;

2 (iii) no premium shall be charged for such  
3 coverage; and

4 (iv) such coverage shall be suspended in the event  
5 of a person's failure without good cause to file in a  
6 timely fashion reports required for this coverage  
7 under the Social Security Act and coverage shall be  
8 reinstated upon the filing of such reports if the  
9 person remains otherwise eligible.

10 9. Persons with acquired immunodeficiency syndrome (AIDS)  
11 or with AIDS-related conditions with respect to whom there has  
12 been a determination that but for home or community-based  
13 services such individuals would require the level of care  
14 provided in an inpatient hospital, skilled nursing facility or  
15 intermediate care facility the cost of which is reimbursed  
16 under this Article. Assistance shall be provided to such  
17 persons to the maximum extent permitted under Title XIX of the  
18 Federal Social Security Act.

19 10. Participants in the long-term care insurance  
20 partnership program established under the Partnership for  
21 Long-Term Care Act who meet the qualifications for protection  
22 of resources described in Section 25 of that Act.

23 11. Persons with disabilities who are employed and eligible  
24 for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of  
25 the Social Security Act, as provided by the Illinois Department  
26 by rule.

27 12. Subject to federal approval, persons who are eligible  
28 for medical assistance coverage under applicable provisions of  
29 the federal Social Security Act and the federal Breast and  
30 Cervical Cancer Prevention and Treatment Act of 2000. Those  
31 eligible persons are defined to include, but not be limited to,  
32 the following persons:

33 (1) persons who have been screened for breast or  
34 cervical cancer under the U.S. Centers for Disease Control  
35 and Prevention Breast and Cervical Cancer Program  
36 established under Title XV of the federal Public Health



1 Services Act in accordance with the requirements of Section  
2 1504 of that Act as administered by the Illinois Department  
3 of Public Health; and

4 (2) persons whose screenings under the above program  
5 were funded in whole or in part by funds appropriated to  
6 the Illinois Department of Public Health for breast or  
7 cervical cancer screening.

8 "Medical assistance" under this paragraph 12 shall be identical  
9 to the benefits provided under the State's approved plan under  
10 Title XIX of the Social Security Act. The Department must  
11 request federal approval of the coverage under this paragraph  
12 12 within 30 days after the effective date of this amendatory  
13 Act of the 92nd General Assembly.

14 13. Subject to appropriation and to federal approval,  
15 persons living with HIV/AIDS who are not otherwise eligible  
16 under this Article and who qualify for services covered under  
17 Section 5-5.04 as provided by the Illinois Department by rule.

18 The Illinois Department and the Governor shall provide a  
19 plan for coverage of the persons eligible under paragraph 7 as  
20 soon as possible after July 1, 1984.

21 The eligibility of any such person for medical assistance  
22 under this Article is not affected by the payment of any grant  
23 under the Senior Citizens and Disabled Persons Property Tax  
24 Relief and Pharmaceutical Assistance Act or any distributions  
25 or items of income described under subparagraph (X) of  
26 paragraph (2) of subsection (a) of Section 203 of the Illinois  
27 Income Tax Act. The Department shall by rule establish the  
28 amounts of assets to be disregarded in determining eligibility  
29 for medical assistance, which shall at a minimum equal the  
30 amounts to be disregarded under the Federal Supplemental  
31 Security Income Program. The amount of assets of a single  
32 person to be disregarded shall not be less than \$2,000, and the  
33 amount of assets of a married couple to be disregarded shall  
34 not be less than \$3,000.

35 To the extent permitted under federal law, any person found  
36 guilty of a second violation of Article VIIIA shall be

1 ineligible for medical assistance under this Article, as  
2 provided in Section 8A-8.

3 The eligibility of any person for medical assistance under  
4 this Article shall not be affected by the receipt by the person  
5 of donations or benefits from fundraisers held for the person  
6 in cases of serious illness, as long as neither the person nor  
7 members of the person's family have actual control over the  
8 donations or benefits or the disbursement of the donations or  
9 benefits.

10 (Source: P.A. 92-16, eff. 6-28-01; 92-47, eff. 7-3-01; 92-597,  
11 eff. 6-28-02; 93-20, eff. 6-20-03.)

12 (305 ILCS 5/5-5.04 new)

13 Sec. 5-5.04. Persons living with HIV/AIDS. The Department  
14 of Public Aid may seek federal approval to expand access to  
15 health care for persons living with HIV/AIDS. Implementation of  
16 this Section is subject to appropriation.

17 (305 ILCS 5/9A-4) (from Ch. 23, par. 9A-4)

18 Sec. 9A-4. Participation.

19 (a) Except for those exempted under subsection (b) below,  
20 and to the extent resources permit, the Illinois Department as  
21 a condition of eligibility for public aid, may, as provided by  
22 rule, require all recipients to participate in an education,  
23 training, and employment program, which shall include  
24 accepting suitable employment and refraining from terminating  
25 employment or reducing earnings without good cause.

26 (b) Recipients shall be exempt from the requirement of  
27 participation in the education, training, and employment  
28 program in the following circumstances:

29 (1) The recipient is a person over age 60; or

30 (2) The recipient is a person with a child under age  
31 one.

32 Recipients are entitled to request a reasonable  
33 modification to the requirement of participation in the  
34 education, training and employment program in order to

1 accommodate a qualified individual with a disability as defined  
2 by the Americans with Disabilities Act. Requests for a  
3 reasonable modification shall be evaluated on a case-by-case  
4 functional basis by designated staff based on Department rule.  
5 All such requests shall be monitored as part of the agency's  
6 quality assurance process or processes to attest to the  
7 expediency with which such requests are addressed.  
8 Implementation of the changes made to this Section by this  
9 amendatory Act of the 94th General Assembly is subject to  
10 appropriation.

11 (Source: P.A. 89-6, eff. 3-6-95; 90-17, eff. 7-1-97.)

12 Section 94. The Unified Code of Corrections is amended by  
13 changing Sections 3-6-2, 3-7-2, 3-8-2, and 3-10-2 and by adding  
14 Section 3-2-11 as follows:

15 (730 ILCS 5/3-2-11 new)

16 Sec. 3-2-11. Web link to Department of Public Health  
17 information. On the Department's official Web site, the  
18 Department shall provide a link to the information provided to  
19 persons committed to the Department and those persons' family  
20 members and friends by the Department of Public Health pursuant  
21 to Section 2310-321 of the Department of Public Health Powers  
22 and Duties Law of the Civil Administrative Code of Illinois.  
23 Implementation of this Section is subject to appropriation.

24 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

25 Sec. 3-6-2. Institutions and Facility Administration.

26 (a) Each institution and facility of the Department shall  
27 be administered by a chief administrative officer appointed by  
28 the Director. A chief administrative officer shall be  
29 responsible for all persons assigned to the institution or  
30 facility. The chief administrative officer shall administer  
31 the programs of the Department for the custody and treatment of  
32 such persons.

33 (b) The chief administrative officer shall have such

1 assistants as the Department may assign.

2 (c) The Director or Assistant Director shall have the  
3 emergency powers to temporarily transfer individuals without  
4 formal procedures to any State, county, municipal or regional  
5 correctional or detention institution or facility in the State,  
6 subject to the acceptance of such receiving institution or  
7 facility, or to designate any reasonably secure place in the  
8 State as such an institution or facility and to make transfers  
9 thereto. However, transfers made under emergency powers shall  
10 be reviewed as soon as practicable under Article 8, and shall  
11 be subject to Section 5-905 of the Juvenile Court Act of 1987.  
12 This Section shall not apply to transfers to the Department of  
13 Human Services which are provided for under Section 3-8-5 or  
14 Section 3-10-5.

15 (d) The Department shall provide educational programs for  
16 all committed persons so that all persons have an opportunity  
17 to attain the achievement level equivalent to the completion of  
18 the twelfth grade in the public school system in this State.  
19 Other higher levels of attainment shall be encouraged and  
20 professional instruction shall be maintained wherever  
21 possible. The Department may establish programs of mandatory  
22 education and may establish rules and regulations for the  
23 administration of such programs. A person committed to the  
24 Department who, during the period of his or her incarceration,  
25 participates in an educational program provided by or through  
26 the Department and through that program is awarded or earns the  
27 number of hours of credit required for the award of an  
28 associate, baccalaureate, or higher degree from a community  
29 college, college, or university located in Illinois shall  
30 reimburse the State, through the Department, for the costs  
31 incurred by the State in providing that person during his or  
32 her incarceration with the education that qualifies him or her  
33 for the award of that degree. The costs for which reimbursement  
34 is required under this subsection shall be determined and  
35 computed by the Department under rules and regulations that it  
36 shall establish for that purpose. However, interest at the rate

1 of 6% per annum shall be charged on the balance of those costs  
2 from time to time remaining unpaid, from the date of the  
3 person's parole, mandatory supervised release, or release  
4 constituting a final termination of his or her commitment to  
5 the Department until paid.

6 (d-5) A person committed to the Department is entitled to  
7 confidential testing for infection with human immunodeficiency  
8 virus (HIV) and to counseling in connection with such testing,  
9 with no copay to the committed person. A person committed to  
10 the Department who has tested positive for infection with HIV  
11 is entitled to medical care while incarcerated, counseling, and  
12 referrals to support services, in connection with that positive  
13 test result. Implementation of this subsection (d-5) is subject  
14 to appropriation.

15 (e) A person committed to the Department who becomes in  
16 need of medical or surgical treatment but is incapable of  
17 giving consent thereto shall receive such medical or surgical  
18 treatment by the chief administrative officer consenting on the  
19 person's behalf. Before the chief administrative officer  
20 consents, he or she shall obtain the advice of one or more  
21 physicians licensed to practice medicine in all its branches in  
22 this State. If such physician or physicians advise:

23 (1) that immediate medical or surgical treatment is  
24 required relative to a condition threatening to cause  
25 death, damage or impairment to bodily functions, or  
26 disfigurement; and

27 (2) that the person is not capable of giving consent to  
28 such treatment; the chief administrative officer may give  
29 consent for such medical or surgical treatment, and such  
30 consent shall be deemed to be the consent of the person for  
31 all purposes, including, but not limited to, the authority  
32 of a physician to give such treatment.

33 (e-5) If a physician providing medical care to a committed  
34 person on behalf of the Department advises the chief  
35 administrative officer that the committed person's mental or  
36 physical health has deteriorated as a result of the cessation

1 of ingestion of food or liquid to the point where medical or  
2 surgical treatment is required to prevent death, damage, or  
3 impairment to bodily functions, the chief administrative  
4 officer may authorize such medical or surgical treatment.

5 (f) In the event that the person requires medical care and  
6 treatment at a place other than the institution or facility,  
7 the person may be removed therefrom under conditions prescribed  
8 by the Department. The Department shall require the committed  
9 person receiving medical or dental services on a non-emergency  
10 basis to pay a \$2 co-payment to the Department for each visit  
11 for medical or dental services. The amount of each co-payment  
12 shall be deducted from the committed person's individual  
13 account. A committed person who has a chronic illness, as  
14 defined by Department rules and regulations, shall be exempt  
15 from the \$2 co-payment for treatment of the chronic illness. A  
16 committed person shall not be subject to a \$2 co-payment for  
17 follow-up visits ordered by a physician, who is employed by, or  
18 contracts with, the Department. A committed person who is  
19 indigent is exempt from the \$2 co-payment and is entitled to  
20 receive medical or dental services on the same basis as a  
21 committed person who is financially able to afford the  
22 co-payment. Notwithstanding any other provision in this  
23 subsection (f) to the contrary, any person committed to any  
24 facility operated by the Juvenile Division, as set forth in  
25 subsection (b) of Section 3-2-5 of this Code, is exempt from  
26 the co-payment requirement for the duration of confinement in  
27 those facilities.

28 (g) Any person having sole custody of a child at the time  
29 of commitment or any woman giving birth to a child after her  
30 commitment, may arrange through the Department of Children and  
31 Family Services for suitable placement of the child outside of  
32 the Department of Corrections. The Director of the Department  
33 of Corrections may determine that there are special reasons why  
34 the child should continue in the custody of the mother until  
35 the child is 6 years old.

36 (h) The Department may provide Family Responsibility

1 Services which may consist of, but not be limited to the  
2 following:

- 3 (1) family advocacy counseling;
- 4 (2) parent self-help group;
- 5 (3) parenting skills training;
- 6 (4) parent and child overnight program;
- 7 (5) parent and child reunification counseling, either  
8 separately or together, preceding the inmate's release;  
9 and
- 10 (6) a prerelease reunification staffing involving the  
11 family advocate, the inmate and the child's counselor, or  
12 both and the inmate.

13 (i) Prior to the release of any inmate who has a documented  
14 history of intravenous drug use, and upon the receipt of that  
15 inmate's written informed consent, the Department shall  
16 provide for the testing of such inmate for infection with human  
17 immunodeficiency virus (HIV) and any other identified  
18 causative agent of acquired immunodeficiency syndrome (AIDS).  
19 The testing provided under this subsection shall consist of an  
20 enzyme-linked immunosorbent assay (ELISA) test or such other  
21 test as may be approved by the Illinois Department of Public  
22 Health. If the test result is positive, the Western Blot Assay  
23 or more reliable confirmatory test shall be administered. All  
24 inmates tested in accordance with the provisions of this  
25 subsection shall be provided with pre-test and post-test  
26 counseling. Notwithstanding any provision of this subsection  
27 to the contrary, the Department shall not be required to  
28 conduct the testing and counseling required by this subsection  
29 unless sufficient funds to cover all costs of such testing and  
30 counseling are appropriated for that purpose by the General  
31 Assembly.

32 (j) Any person convicted of a sex offense as defined in the  
33 Sex Offender Management Board Act shall be required to receive  
34 a sex offender evaluation prior to release into the community  
35 from the Department of Corrections. The sex offender evaluation  
36 shall be conducted in conformance with the standards and

1 guidelines developed under the Sex Offender Management Board  
2 Act and by an evaluator approved by the Board.

3 (k) Any minor committed to the Department of  
4 Corrections-Juvenile Division for a sex offense as defined by  
5 the Sex Offender Management Board Act shall be required to  
6 undergo sex offender treatment by a treatment provider approved  
7 by the Board and conducted in conformance with the Sex Offender  
8 Management Board Act.

9 (l) Prior to the release of any inmate, the Department must  
10 provide the inmate with the option of testing for infection  
11 with human immunodeficiency virus (HIV), as well as counseling  
12 in connection with such testing, with no copayment for the  
13 test. At the same time, the Department shall require each such  
14 inmate to sign a form stating that the inmate has been informed  
15 of his or her rights with respect to the testing required to be  
16 offered under this subsection (l) and providing the inmate with  
17 an opportunity to indicate either that he or she wants to be  
18 tested or that he or she does not want to be tested. The  
19 Department, in consultation with the Department of Public  
20 Health, shall prescribe the contents of the form. The testing  
21 provided under this subsection (l) shall consist of an  
22 enzyme-linked immunosorbent assay (ELISA) test or any other  
23 test approved by the Department of Public Health. If the test  
24 result is positive, the Western Blot Assay or more reliable  
25 confirmatory test shall be administered.

26 Prior to the release of an inmate who the Department knows  
27 has tested positive for infection with HIV, the Department in a  
28 timely manner shall offer the inmate transitional case  
29 management, including referrals to other support services.

30 Implementation of this subsection (l) is subject to  
31 appropriation.

32 (Source: P.A. 92-292, eff. 8-9-01; 93-616, eff. 1-1-04; 93-928,  
33 eff. 1-1-05.)

34 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)  
35 Sec. 3-7-2. Facilities.



1 (a) All institutions and facilities of the Department shall  
2 provide every committed person with access to toilet  
3 facilities, barber facilities, bathing facilities at least  
4 once each week, a library of legal materials and published  
5 materials including newspapers and magazines approved by the  
6 Director. A committed person may not receive any materials that  
7 the Director deems pornographic.

8 (b) (Blank).

9 (c) All institutions and facilities of the Department shall  
10 provide facilities for every committed person to leave his cell  
11 for at least one hour each day unless the chief administrative  
12 officer determines that it would be harmful or dangerous to the  
13 security or safety of the institution or facility.

14 (d) All institutions and facilities of the Department shall  
15 provide every committed person with a wholesome and nutritional  
16 diet at regularly scheduled hours, drinking water, clothing  
17 adequate for the season, bedding, soap and towels and medical  
18 and dental care.

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

25 (f) All of the institutions and facilities of the  
26 Department shall permit every committed person to receive  
27 visitors, except in case of abuse of the visiting privilege or  
28 when the chief administrative officer determines that such  
29 visiting would be harmful or dangerous to the security, safety  
30 or morale of the institution or facility. The chief  
31 administrative officer shall have the right to restrict  
32 visitation to non-contact visits for reasons of safety,  
33 security, and order, including, but not limited to, restricting  
34 contact visits for committed persons engaged in gang activity.  
35 No committed person in a super maximum security facility or on  
36 disciplinary segregation is allowed contact visits. Any

1 committed person found in possession of illegal drugs or who  
2 fails a drug test shall not be permitted contact visits for a  
3 period of at least 6 months. Any committed person involved in  
4 gang activities or found guilty of assault committed against a  
5 Department employee shall not be permitted contact visits for a  
6 period of at least 6 months. The Department shall offer every  
7 visitor appropriate written information concerning HIV and  
8 AIDS, including information concerning how to contact the  
9 Illinois Department of Public Health for counseling  
10 information. The Department shall develop the written  
11 materials in consultation with the Department of Public Health.  
12 The Department shall ensure that all such information and  
13 materials are culturally sensitive and reflect cultural  
14 diversity as appropriate. Implementation of the changes made to  
15 this Section by this amendatory Act of the 94th General  
16 Assembly is subject to appropriation.

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

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

25 (Source: P.A. 90-14, eff. 7-1-97; 91-912, eff. 7-7-00.)

26 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

27 Sec. 3-8-2. Social Evaluation; physical examination;  
28 HIV/AIDS. (a) A social evaluation shall be made of a committed  
29 person's medical, psychological, educational and vocational  
30 condition and history, including the use of alcohol and other  
31 drugs, the circumstances of his offense, and such other  
32 information as the Department may determine. The committed  
33 person shall be assigned to an institution or facility in so  
34 far as practicable in accordance with the social evaluation.  
35 Recommendations shall be made for medical, dental,

1 psychiatric, psychological and social service treatment.

2 (b) A record of the social evaluation shall be entered in  
3 the committed person's master record file and shall be  
4 forwarded to the institution or facility to which the person is  
5 assigned.

6 (c) Upon admission to a correctional institution each  
7 committed person shall be given a physical examination. If he  
8 is suspected of having a communicable disease that in the  
9 judgment of the Department medical personnel requires medical  
10 isolation, the committed person shall remain in medical  
11 isolation until it is no longer deemed medically necessary.

12 (d) Upon arrival at an inmate's final destination, the  
13 Department must provide the committed person with appropriate  
14 written information and counseling concerning HIV and AIDS. The  
15 Department shall develop the written materials in consultation  
16 with the Department of Public Health. At the same time, the  
17 Department also must offer the committed person the option of  
18 being tested, with no copayment, for infection with human  
19 immunodeficiency virus (HIV). The Department shall require  
20 each committed person to sign a form stating that the committed  
21 person has been informed of his or her rights with respect to  
22 the testing required to be offered under this subsection (d)  
23 and providing the committed person with an opportunity to  
24 indicate either that he or she wants to be tested or that he or  
25 she does not want to be tested. The Department, in consultation  
26 with the Department of Public Health, shall prescribe the  
27 contents of the form. The testing provided under this  
28 subsection (d) shall consist of an enzyme-linked immunosorbent  
29 assay (ELISA) test or any other test approved by the Department  
30 of Public Health. If the test result is positive, the Western  
31 Blot Assay or more reliable confirmatory test shall be  
32 administered. Implementation of this subsection (d) is subject  
33 to appropriation.

34 (Source: P.A. 87-1256.)

35 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

1           Sec. 3-10-2. Examination of Persons Committed to the  
2 Juvenile Division.

3           (a) A person committed to the Juvenile Division shall be  
4 examined in regard to his medical, psychological, social,  
5 educational and vocational condition and history, including  
6 the use of alcohol and other drugs, the circumstances of his  
7 offense and any other information as the Department may  
8 determine.

9           (a-5) Upon admission of a person committed to the Juvenile  
10 Division, the Department must provide the person with  
11 appropriate written information and counseling concerning HIV  
12 and AIDS. The Department shall develop the written materials in  
13 consultation with the Department of Public Health. At the same  
14 time, the Department also must offer the person the option of  
15 being tested, at no charge to the person, for infection with  
16 human immunodeficiency virus (HIV) or any other identified  
17 causative agent of acquired immunodeficiency syndrome (AIDS).  
18 The Department shall require each person committed to the  
19 Juvenile Division to sign a form stating that the person has  
20 been informed of his or her rights with respect to the testing  
21 required to be offered under this subsection (a-5) and  
22 providing the person with an opportunity to indicate either  
23 that he or she wants to be tested or that he or she does not  
24 want to be tested. The Department, in consultation with the  
25 Department of Public Health, shall prescribe the contents of  
26 the form. The testing provided under this subsection (a-5)  
27 shall consist of an enzyme-linked immunosorbent assay (ELISA)  
28 test or any other test approved by the Department of Public  
29 Health. If the test result is positive, the Western Blot Assay  
30 or more reliable confirmatory test shall be administered.

31           Also upon admission of a person committed to the Juvenile  
32 Division, the Department must inform the person of the  
33 Department's obligation to provide the person with medical  
34 care.

35           Implementation of this subsection (a-5) is subject to  
36 appropriation.

1 (b) Based on its examination, the Department may exercise  
2 the following powers in developing a treatment program of any  
3 person committed to the Juvenile Division:

4 (1) Require participation by him in vocational,  
5 physical, educational and corrective training and  
6 activities to return him to the community.

7 (2) Place him in any institution or facility of the  
8 Juvenile Division.

9 (3) Order replacement or referral to the Parole and  
10 Pardon Board as often as it deems desirable. The Department  
11 shall refer the person to the Parole and Pardon Board as  
12 required under Section 3-3-4.

13 (4) Enter into agreements with the Secretary of Human  
14 Services and the Director of Children and Family Services,  
15 with courts having probation officers, and with private  
16 agencies or institutions for separate care or special  
17 treatment of persons subject to the control of the  
18 Department.

19 (c) The Department shall make periodic reexamination of all  
20 persons under the control of the Juvenile Division to determine  
21 whether existing orders in individual cases should be modified  
22 or continued. This examination shall be made with respect to  
23 every person at least once annually.

24 (d) A record of the treatment decision including any  
25 modification thereof and the reason therefor, shall be part of  
26 the committed person's master record file.

27 (e) The Department shall by certified mail, return receipt  
28 requested, notify the parent, guardian or nearest relative of  
29 any person committed to the Juvenile Division of his physical  
30 location and any change thereof.

31 (Source: P.A. 89-507, eff. 7-1-97.)

32 Section 95. The County Jail Act is amended by adding  
33 Section 17.10 as follows:

34 (730 ILCS 125/17.10 new)

1       Sec. 17.10. Requirements in connection with HIV/AIDS.

2       (a) In each county other than Cook, during the medical  
3 admissions exam, the warden of the jail, a correctional officer  
4 at the jail, or a member of the jail medical staff must provide  
5 the prisoner with appropriate written information concerning  
6 human immunodeficiency virus (HIV) and acquired  
7 immunodeficiency syndrome (AIDS). The Department of Public  
8 Health and community-based organizations certified to provide  
9 HIV/AIDS testing must provide these informational materials to  
10 the warden at no cost to the county. The warden, a correctional  
11 officer, or a member of the jail medical staff must inform the  
12 prisoner of the option of being tested for infection with HIV  
13 by a certified local community-based agency or other available  
14 medical provider at no charge to the prisoner.

15       (b) In Cook County, during the medical admissions exam, an  
16 employee of the Cook County Bureau of Health Services must  
17 provide the prisoner with appropriate written information  
18 concerning human immunodeficiency virus (HIV) and acquired  
19 immunodeficiency syndrome (AIDS) and must also provide the  
20 prisoner with option of testing for infection with HIV or any  
21 other identified causative agent of AIDS, as well as counseling  
22 in connection with such testing. The Department of Public  
23 Health and community-based organizations certified to provide  
24 HIV/AIDS testing must provide these informational materials to  
25 the Bureau at no cost to the county. The testing provided under  
26 this subsection (b) shall be conducted by the Cook County  
27 Bureau of Health Services and shall consist of an enzyme-linked  
28 immunosorbent assay (ELISA) test or any other test approved by  
29 the Department of Public Health. If the test result is  
30 positive, the Western Blot Assay or more reliable confirmatory  
31 test shall be administered.

32       (c) In each county, the warden of the jail must make  
33 appropriate written information concerning HIV/AIDS available  
34 to every visitor to the jail. This information must include  
35 information concerning persons or entities to contact for local  
36 counseling and testing. The Department of Public Health and

1 community-based organizations certified to provide HIV/AIDS  
2 testing must provide these informational materials to the  
3 warden at no cost to the office of the county sheriff.

4 (d) Implementation of this Section is subject to  
5 appropriation.

6 Section 99. Effective date. This Act takes effect January  
7 1, 2006.