



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2844

Introduced 1/24/2012, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2
730 ILCS 5/3-6-2

from Ch. 38, par. 1003-2-2
from Ch. 38, par. 1003-6-2

Amends the Unified Code of Corrections. Provides that when the Department of Corrections lets bids for contracts for medical services to be provided to persons committed to Department facilities by a health maintenance organization, medical service corporation, or other health care provider or lets bids for contracts for food or commissary services to be provided to Department facilities, the bid may only be let to a health care provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds have an investment grade or higher rating (rather than rated AAA) by a bond rating organization. Changes the definition of an "indigent" committed person in relation to the exemption from the \$5 co-payment for medical and dental services. Provides that the committed person who has \$20 or less in his or her Inmate Trust Fund at the time of such services and (rather than or) for the 30 days prior to such services. Effective immediately.

LRB097 17589 RLC 62795 b

1 AN ACT concerning corrections.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-2-2 and 3-6-2 as follows:

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

7 Sec. 3-2-2. Powers and Duties of the Department.

8 (1) In addition to the powers, duties and responsibilities
9 which are otherwise provided by law, the Department shall have
10 the following powers:

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

17 (b) To develop and maintain reception and evaluation
18 units for purposes of analyzing the custody and
19 rehabilitation needs of persons committed to it and to
20 assign such persons to institutions and programs under its
21 control or transfer them to other appropriate agencies. In
22 consultation with the Department of Alcoholism and
23 Substance Abuse (now the Department of Human Services), the

1 Department of Corrections shall develop a master plan for
2 the screening and evaluation of persons committed to its
3 custody who have alcohol or drug abuse problems, and for
4 making appropriate treatment available to such persons;
5 the Department shall report to the General Assembly on such
6 plan not later than April 1, 1987. The maintenance and
7 implementation of such plan shall be contingent upon the
8 availability of funds.

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

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

1 (c) To maintain and administer all State correctional
2 institutions and facilities under its control and to
3 establish new ones as needed. Pursuant to its power to
4 establish new institutions and facilities, the Department
5 may, with the written approval of the Governor, authorize
6 the Department of Central Management Services to enter into
7 an agreement of the type described in subsection (d) of
8 Section 405-300 of the Department of Central Management
9 Services Law (20 ILCS 405/405-300). The Department shall
10 designate those institutions which shall constitute the
11 State Penitentiary System.

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

26 Upon receipt of the bids, the Department may certify

1 one or more of the bids and shall submit any such bids to
2 the General Assembly for approval. Upon approval of a bid
3 by a constitutional majority of both houses of the General
4 Assembly, pursuant to joint resolution, the Department of
5 Central Management Services may enter into an agreement
6 with the county or municipality pursuant to such bid.

7 (c-5) To build and maintain regional juvenile
8 detention centers and to charge a per diem to the counties
9 as established by the Department to defray the costs of
10 housing each minor in a center. In this subsection (c-5),
11 "juvenile detention center" means a facility to house
12 minors during pendency of trial who have been transferred
13 from proceedings under the Juvenile Court Act of 1987 to
14 prosecutions under the criminal laws of this State in
15 accordance with Section 5-805 of the Juvenile Court Act of
16 1987, whether the transfer was by operation of law or
17 permissive under that Section. The Department shall
18 designate the counties to be served by each regional
19 juvenile detention center.

20 (d) To develop and maintain programs of control,
21 rehabilitation and employment of committed persons within
22 its institutions.

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

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

1 (f) To establish in cooperation with the Department of
2 Transportation to supply a sufficient number of prisoners
3 for use by the Department of Transportation to clean up the
4 trash and garbage along State, county, township, or
5 municipal highways as designated by the Department of
6 Transportation. The Department of Corrections, at the
7 request of the Department of Transportation, shall furnish
8 such prisoners at least annually for a period to be agreed
9 upon between the Director of Corrections and the Director
10 of Transportation. The prisoners used on this program shall
11 be selected by the Director of Corrections on whatever
12 basis he deems proper in consideration of their term,
13 behavior and earned eligibility to participate in such
14 program - where they will be outside of the prison facility
15 but still in the custody of the Department of Corrections.
16 Prisoners convicted of first degree murder, or a Class X
17 felony, or armed violence, or aggravated kidnapping, or
18 criminal sexual assault, aggravated criminal sexual abuse
19 or a subsequent conviction for criminal sexual abuse, or
20 forcible detention, or arson, or a prisoner adjudged a
21 Habitual Criminal shall not be eligible for selection to
22 participate in such program. The prisoners shall remain as
23 prisoners in the custody of the Department of Corrections
24 and such Department shall furnish whatever security is
25 necessary. The Department of Transportation shall furnish
26 trucks and equipment for the highway cleanup program and

1 personnel to supervise and direct the program. Neither the
2 Department of Corrections nor the Department of
3 Transportation shall replace any regular employee with a
4 prisoner.

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

8 (h) To investigate the grievances of any person
9 committed to the Department, to inquire into any alleged
10 misconduct by employees or committed persons, and to
11 investigate the assets of committed persons to implement
12 Section 3-7-6 of this Code; and for these purposes it may
13 issue subpoenas and compel the attendance of witnesses and
14 the production of writings and papers, and may examine
15 under oath any witnesses who may appear before it; to also
16 investigate alleged violations of a parolee's or
17 releasee's conditions of parole or release; and for this
18 purpose it may issue subpoenas and compel the attendance of
19 witnesses and the production of documents only if there is
20 reason to believe that such procedures would provide
21 evidence that such violations have occurred.

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

1 (i) To appoint and remove the chief administrative
2 officers, and administer programs of training and
3 development of personnel of the Department. Personnel
4 assigned by the Department to be responsible for the
5 custody and control of committed persons or to investigate
6 the alleged misconduct of committed persons or employees or
7 alleged violations of a parolee's or releasee's conditions
8 of parole shall be conservators of the peace for those
9 purposes, and shall have the full power of peace officers
10 outside of the facilities of the Department in the
11 protection, arrest, retaking and reconfining of committed
12 persons or where the exercise of such power is necessary to
13 the investigation of such misconduct or violations.

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

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

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

22 (1-5) In a confidential annual report to the Governor,
23 the Department shall identify all inmate gangs by
24 specifying each current gang's name, population and allied
25 gangs. The Department shall further specify the number of
26 top leaders identified by the Department for each gang

1 during the past year, and the measures taken by the
2 Department to segregate each leader from his or her gang
3 and allied gangs. The Department shall further report the
4 current status of leaders identified and segregated in
5 previous years. All leaders described in the report shall
6 be identified by inmate number or other designation to
7 enable tracking, auditing, and verification without
8 revealing the names of the leaders. Because this report
9 contains law enforcement intelligence information
10 collected by the Department, the report is confidential and
11 not subject to public disclosure.

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

14 (n) To establish rules and regulations for
15 administering a system of good conduct credits,
16 established in accordance with Section 3-6-3, subject to
17 review by the Prisoner Review Board.

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

23 (p) To exchange information with the Department of
24 Human Services and the Department of Healthcare and Family
25 Services for the purpose of verifying living arrangements
26 and for other purposes directly connected with the

1 administration of this Code and the Illinois Public Aid
2 Code.

3 (q) To establish a diversion program.

4 The program shall provide a structured environment for
5 selected technical parole or mandatory supervised release
6 violators and committed persons who have violated the rules
7 governing their conduct while in work release. This program
8 shall not apply to those persons who have committed a new
9 offense while serving on parole or mandatory supervised
10 release or while committed to work release.

11 Elements of the program shall include, but shall not be
12 limited to, the following:

13 (1) The staff of a diversion facility shall provide
14 supervision in accordance with required objectives set
15 by the facility.

16 (2) Participants shall be required to maintain
17 employment.

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

21 (4) Each participant shall:

22 (A) provide restitution to victims in
23 accordance with any court order;

24 (B) provide financial support to his
25 dependents; and

26 (C) make appropriate payments toward any other

1 court-ordered obligations.

2 (5) Each participant shall complete community
3 service in addition to employment.

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

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

9 (8) The Department shall promulgate rules
10 governing the administration of the program.

11 (r) To enter into intergovernmental cooperation
12 agreements under which persons in the custody of the
13 Department may participate in a county impact
14 incarceration program established under Section 3-6038 or
15 3-15003.5 of the Counties Code.

16 (r-5) (Blank).

17 (r-10) To systematically and routinely identify with
18 respect to each streetgang active within the correctional
19 system: (1) each active gang; (2) every existing inter-gang
20 affiliation or alliance; and (3) the current leaders in
21 each gang. The Department shall promptly segregate leaders
22 from inmates who belong to their gangs and allied gangs.
23 "Segregate" means no physical contact and, to the extent
24 possible under the conditions and space available at the
25 correctional facility, prohibition of visual and sound
26 communication. For the purposes of this paragraph (r-10),

1 "leaders" means persons who:

2 (i) are members of a criminal streetgang;

3 (ii) with respect to other individuals within the
4 streetgang, occupy a position of organizer,
5 supervisor, or other position of management or
6 leadership; and

7 (iii) are actively and personally engaged in
8 directing, ordering, authorizing, or requesting
9 commission of criminal acts by others, which are
10 punishable as a felony, in furtherance of streetgang
11 related activity both within and outside of the
12 Department of Corrections.

13 "Streetgang", "gang", and "streetgang related" have the
14 meanings ascribed to them in Section 10 of the Illinois
15 Streetgang Terrorism Omnibus Prevention Act.

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

20 (t) To monitor any unprivileged conversation or any
21 unprivileged communication, whether in person or by mail,
22 telephone, or other means, between an inmate who, before
23 commitment to the Department, was a member of an organized
24 gang and any other person without the need to show cause or
25 satisfy any other requirement of law before beginning the
26 monitoring, except as constitutionally required. The

1 monitoring may be by video, voice, or other method of
2 recording or by any other means. As used in this
3 subdivision (1)(t), "organized gang" has the meaning
4 ascribed to it in Section 10 of the Illinois Streetgang
5 Terrorism Omnibus Prevention Act.

6 As used in this subdivision (1)(t), "unprivileged
7 conversation" or "unprivileged communication" means a
8 conversation or communication that is not protected by any
9 privilege recognized by law or by decision, rule, or order
10 of the Illinois Supreme Court.

11 (u) To establish a Women's and Children's Pre-release
12 Community Supervision Program for the purpose of providing
13 housing and services to eligible female inmates, as
14 determined by the Department, and their newborn and young
15 children.

16 (u-5) To issue an order, whenever a person committed to
17 the Department absconds or absents himself or herself,
18 without authority to do so, from any facility or program to
19 which he or she is assigned. The order shall be certified
20 by the Director, the Supervisor of the Apprehension Unit,
21 or any person duly designated by the Director, with the
22 seal of the Department affixed. The order shall be directed
23 to all sheriffs, coroners, and police officers, or to any
24 particular person named in the order. Any order issued
25 pursuant to this subdivision (1) (u-5) shall be sufficient
26 warrant for the officer or person named in the order to

1 arrest and deliver the committed person to the proper
2 correctional officials and shall be executed the same as
3 criminal process.

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

6 (2) The Department of Corrections shall by January 1, 1998,
7 consider building and operating a correctional facility within
8 100 miles of a county of over 2,000,000 inhabitants, especially
9 a facility designed to house juvenile participants in the
10 impact incarceration program.

11 (3) When the Department lets bids for contracts for medical
12 services to be provided to persons committed to Department
13 facilities by a health maintenance organization, medical
14 service corporation, or other health care provider, the bid may
15 only be let to a health care provider that has obtained an
16 irrevocable letter of credit or performance bond issued by a
17 company whose bonds have an investment grade or higher rating
18 ~~are rated AAA~~ by a bond rating organization.

19 (4) When the Department lets bids for contracts for food or
20 commissary services to be provided to Department facilities,
21 the bid may only be let to a food or commissary services
22 provider that has obtained an irrevocable letter of credit or
23 performance bond issued by a company whose bonds have an
24 investment grade or higher rating ~~are rated AAA~~ by a bond
25 rating organization.

26 (Source: P.A. 96-1265, eff. 7-26-10.)

1 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

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

3 (a) Each institution and facility of the Department shall
4 be administered by a chief administrative officer appointed by
5 the Director. A chief administrative officer shall be
6 responsible for all persons assigned to the institution or
7 facility. The chief administrative officer shall administer
8 the programs of the Department for the custody and treatment of
9 such persons.

10 (b) The chief administrative officer shall have such
11 assistants as the Department may assign.

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

25 (d) The Department shall provide educational programs for

1 all committed persons so that all persons have an opportunity
2 to attain the achievement level equivalent to the completion of
3 the twelfth grade in the public school system in this State.
4 Other higher levels of attainment shall be encouraged and
5 professional instruction shall be maintained wherever
6 possible. The Department may establish programs of mandatory
7 education and may establish rules and regulations for the
8 administration of such programs. A person committed to the
9 Department who, during the period of his or her incarceration,
10 participates in an educational program provided by or through
11 the Department and through that program is awarded or earns the
12 number of hours of credit required for the award of an
13 associate, baccalaureate, or higher degree from a community
14 college, college, or university located in Illinois shall
15 reimburse the State, through the Department, for the costs
16 incurred by the State in providing that person during his or
17 her incarceration with the education that qualifies him or her
18 for the award of that degree. The costs for which reimbursement
19 is required under this subsection shall be determined and
20 computed by the Department under rules and regulations that it
21 shall establish for that purpose. However, interest at the rate
22 of 6% per annum shall be charged on the balance of those costs
23 from time to time remaining unpaid, from the date of the
24 person's parole, mandatory supervised release, or release
25 constituting a final termination of his or her commitment to
26 the Department until paid.

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

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

18 (1) that immediate medical or surgical treatment is
19 required relative to a condition threatening to cause
20 death, damage or impairment to bodily functions, or
21 disfigurement; and

22 (2) that the person is not capable of giving consent to
23 such treatment; the chief administrative officer may give
24 consent for such medical or surgical treatment, and such
25 consent shall be deemed to be the consent of the person for
26 all purposes, including, but not limited to, the authority

1 of a physician to give such treatment.

2 (e-5) If a physician providing medical care to a committed
3 person on behalf of the Department advises the chief
4 administrative officer that the committed person's mental or
5 physical health has deteriorated as a result of the cessation
6 of ingestion of food or liquid to the point where medical or
7 surgical treatment is required to prevent death, damage, or
8 impairment to bodily functions, the chief administrative
9 officer may authorize such medical or surgical treatment.

10 (f) In the event that the person requires medical care and
11 treatment at a place other than the institution or facility,
12 the person may be removed therefrom under conditions prescribed
13 by the Department. The Department shall require the committed
14 person receiving medical or dental services on a non-emergency
15 basis to pay a \$5 co-payment to the Department for each visit
16 for medical or dental services. The amount of each co-payment
17 shall be deducted from the committed person's individual
18 account. A committed person who has a chronic illness, as
19 defined by Department rules and regulations, shall be exempt
20 from the \$5 co-payment for treatment of the chronic illness. A
21 committed person shall not be subject to a \$5 co-payment for
22 follow-up visits ordered by a physician, who is employed by, or
23 contracts with, the Department. A committed person who is
24 indigent is exempt from the \$5 co-payment and is entitled to
25 receive medical or dental services on the same basis as a
26 committed person who is financially able to afford the

1 co-payment. For purposes of this Section only, "indigent" means
2 a committed person who has \$20 or less in his or her Inmate
3 Trust Fund at the time of such services and ~~or~~ for the 30 days
4 prior to such services. Notwithstanding any other provision in
5 this subsection (f) to the contrary, any person committed to
6 any facility operated by the Department of Juvenile Justice, as
7 set forth in Section 3-2.5-15 of this Code, is exempt from the
8 co-payment requirement for the duration of confinement in those
9 facilities.

10 (g) Any person having sole custody of a child at the time
11 of commitment or any woman giving birth to a child after her
12 commitment, may arrange through the Department of Children and
13 Family Services for suitable placement of the child outside of
14 the Department of Corrections. The Director of the Department
15 of Corrections may determine that there are special reasons why
16 the child should continue in the custody of the mother until
17 the child is 6 years old.

18 (h) The Department may provide Family Responsibility
19 Services which may consist of, but not be limited to the
20 following:

- 21 (1) family advocacy counseling;
- 22 (2) parent self-help group;
- 23 (3) parenting skills training;
- 24 (4) parent and child overnight program;
- 25 (5) parent and child reunification counseling, either
26 separately or together, preceding the inmate's release;

1 and

2 (6) a prerelease reunification staffing involving the
3 family advocate, the inmate and the child's counselor, or
4 both and the inmate.

5 (i) (Blank). ~~a test approved by the Illinois Department of~~
6 ~~Public Health to determine the presence of HIV infection, based~~
7 ~~upon recommendations of United States Centers for Disease~~
8 ~~Control and Prevention a reliable supplemental based upon~~
9 ~~recommendations of the United States Centers for Disease~~
10 ~~Control and Prevention information~~

11 (j) Any person convicted of a sex offense as defined in the
12 Sex Offender Management Board Act shall be required to receive
13 a sex offender evaluation prior to release into the community
14 from the Department of Corrections. The sex offender evaluation
15 shall be conducted in conformance with the standards and
16 guidelines developed under the Sex Offender Management Board
17 Act and by an evaluator approved by the Board.

18 (k) Any minor committed to the Department of Juvenile
19 Justice for a sex offense as defined by the Sex Offender
20 Management Board Act shall be required to undergo sex offender
21 treatment by a treatment provider approved by the Board and
22 conducted in conformance with the Sex Offender Management Board
23 Act.

24 (l) Prior to the release of any inmate committed to a
25 facility of the Department or the Department of Juvenile
26 Justice, the Department must provide the inmate with

1 appropriate information verbally, in writing, by video, or
2 other electronic means, concerning HIV and AIDS. The Department
3 shall develop the informational materials in consultation with
4 the Department of Public Health. At the same time, the
5 Department must also offer the committed person the option of
6 testing for infection with human immunodeficiency virus (HIV),
7 with no copayment for the test. Pre-test information shall be
8 provided to the committed person and informed consent obtained
9 as required in subsection (d) of Section 3 and Section 5 of the
10 AIDS Confidentiality Act. The Department may conduct opt-out
11 HIV testing as defined in Section 4 of the AIDS Confidentiality
12 Act. If the Department conducts opt-out HIV testing, the
13 Department shall place signs in English, Spanish and other
14 languages as needed in multiple, highly visible locations in
15 the area where HIV testing is conducted informing inmates that
16 they will be tested for HIV unless they refuse, and refusal or
17 acceptance of testing shall be documented in the inmate's
18 medical record. The Department shall follow procedures
19 established by the Department of Public Health to conduct HIV
20 testing and testing to confirm positive HIV test results. All
21 testing must be conducted by medical personnel, but pre-test
22 and other information may be provided by committed persons who
23 have received appropriate training. The Department, in
24 conjunction with the Department of Public Health, shall develop
25 a plan that complies with the AIDS Confidentiality Act to
26 deliver confidentially all positive or negative HIV test

1 results to inmates or former inmates. Nothing in this Section
2 shall require the Department to offer HIV testing to an inmate
3 who is known to be infected with HIV, or who has been tested
4 for HIV within the previous 180 days and whose documented HIV
5 test result is available to the Department electronically. The
6 testing provided under this subsection (1) shall consist of a
7 test approved by the Illinois Department of Public Health to
8 determine the presence of HIV infection, based upon
9 recommendations of the United States Centers for Disease
10 Control and Prevention. If the test result is positive, a
11 reliable supplemental test based upon recommendations of the
12 United States Centers for Disease Control and Prevention shall
13 be administered.

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

18 (m) The chief administrative officer of each institution or
19 facility of the Department shall make a room in the institution
20 or facility available for addiction recovery services to be
21 provided to committed persons on a voluntary basis. The
22 services shall be provided for one hour once a week at a time
23 specified by the chief administrative officer of the
24 institution or facility if the following conditions are met:

25 (1) the addiction recovery service contacts the chief
26 administrative officer to arrange the meeting;

1 (2) the committed person may attend the meeting for
2 addiction recovery services only if the committed person
3 uses pre-existing free time already available to the
4 committed person;

5 (3) all disciplinary and other rules of the institution
6 or facility remain in effect;

7 (4) the committed person is not given any additional
8 privileges to attend addiction recovery services;

9 (5) if the addiction recovery service does not arrange
10 for scheduling a meeting for that week, no addiction
11 recovery services shall be provided to the committed person
12 in the institution or facility for that week;

13 (6) the number of committed persons who may attend an
14 addiction recovery meeting shall not exceed 40 during any
15 session held at the correctional institution or facility;

16 (7) a volunteer seeking to provide addiction recovery
17 services under this subsection (m) must submit an
18 application to the Department of Corrections under
19 existing Department rules and the Department must review
20 the application within 60 days after submission of the
21 application to the Department; and

22 (8) each institution and facility of the Department
23 shall manage the addiction recovery services program
24 according to its own processes and procedures.

25 For the purposes of this subsection (m), "addiction
26 recovery services" means recovery services for alcoholics and

1 addicts provided by volunteers of recovery support services
2 recognized by the Department of Human Services.

3 (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,
4 eff. 8-12-11; 97-562, eff. 1-1-12; revised 9-14-11.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.