

1 AMENDMENT TO SENATE BILL 1641

2 AMENDMENT NO. _____. Amend Senate Bill 1641, AS AMENDED,
3 as follows:

4 by replacing everything after the enacting clause with the
5 following:

6 "Section 5. The Unified Code of Corrections is amended
7 by changing Section 3-15-3 as follows:

8 (730 ILCS 5/3-15-3) (from Ch. 38, par. 1003-15-3)

9 Sec. 3-15-3. Persons with mental illness and
10 developmental disabilities.

11 (a) The Department must, by rule, establish standards
12 and procedures for the provision of mental health and
13 developmental disability services to persons with mental
14 illness and persons with a developmental disability confined
15 in a local jail or juvenile detention facility as set forth
16 under Section 3-7-7 of this Code.

17 Those standards and procedures must address screening and
18 classification, the use of psychotropic medications, suicide
19 prevention, qualifications of staff, staffing levels, staff
20 training, discharge, linkage and aftercare, the
21 confidentiality of mental health records, and such other

1 issues as are necessary to ensure that inmates with mental
2 illness receive adequate and humane care and services. Those
3 standards and procedures must include a requirement that each
4 sheriff notify the Department of Human Services of the names
5 and aliases, if any, of each inmate within 24 hours of
6 admission. The Department shall advise each sheriff of the
7 person or persons employed by the Department who shall
8 receive this information and a mechanism for transmitting
9 this information, which mechanism must be available during
10 business hours 7 days per week and which mechanism may
11 include, but is not limited to, a telephone number, a
12 facsimile number, or an e-mail address. Within 24 hours
13 following receipt of the name of any inmate pursuant to this
14 Section, the Department shall advise the sheriff if anyone
15 whose name has been so transmitted has received mental health
16 services provided directly or indirectly by the Office of
17 Mental Health within the past 90 days and if so whether the
18 Office of Mental Health has information suggesting that the
19 inmate may pose a risk to his or her own safety or the safety
20 of others. The Office of Mental Health and any sheriff may
21 enter into such agreements, including but not limited to the
22 sharing or provision of computer software or hardware, as
23 they may deem appropriate to facilitate the sharing of the
24 information about inmates who received mental health services
25 in a prompt and effective manner.

26 (b) At least once each year, the Department must inspect
27 each local jail and juvenile detention facility for
28 compliance with the standards and procedures established. The
29 results of the inspection must be made available by the
30 Department for public inspection. If any jail or juvenile
31 detention facility does not comply with the standards and
32 procedures established, the Director of Corrections must give
33 notice to the county board and the sheriff of such
34 noncompliance, specifying the particular standards and

1 procedures that have not been met by the jail or juvenile
2 detention facility. If the jail or juvenile detention
3 facility is not in compliance with the standards and
4 procedures when 6 months have elapsed from the giving of such
5 notice, the Director of Corrections may petition the
6 appropriate court for an order requiring the jail or juvenile
7 detention facility to comply with the standards and
8 procedures established by the Department or for other
9 appropriate relief.

10 (Source: P.A. 92-469, eff. 1-1-02.)

11 Section 10. The Mental Health and Developmental
12 Disabilities Confidentiality Act is amended by changing
13 Section 9.2 as follows:

14 (740 ILCS 110/9.2)

15 Sec. 9.2. Interagency disclosure of recipient
16 information. For the purposes of continuity of care, the
17 Department of Human Services (as successor to the Department
18 of Mental Health and Developmental Disabilities), community
19 agencies funded by the Department of Human Services in that
20 capacity, and jails operated by any county of this State may
21 disclose a recipient's record or communications, without
22 consent, to each other, but only for the purpose of
23 admission, treatment, planning, or discharge. Entities shall
24 not redisclose any personally identifiable information,
25 unless necessary for admission, treatment, planning, or
26 discharge of the identified recipient to another setting. No
27 records or communications may be disclosed to a county jail
28 pursuant to this Section unless the Department has entered
29 into a written agreement with the county jail requiring that
30 the county jail adopt written policies and procedures
31 designed to ensure that the records and communications are
32 disclosed only to those persons employed by or under contract

1 to the county jail who are involved in the provision of
2 mental health services to inmates and that the records and
3 communications are protected from further disclosure. The
4 Department of Human Services shall enter into such agreements
5 whenever it receives a written request to do so from any
6 sheriff. The agreements shall provide for the prompt
7 transmission of records to the designated employees or agents
8 of the sheriff as is necessary to insure the safety of the
9 inmate or others. Mental health records provided by the
10 Department of Human Services or community agencies funded by
11 the Department of Human Services and obtained by the sheriffs
12 shall be used only to determine if the inmate poses a risk to
13 his or her safety or that of others at the jail or to provide
14 treatment to an inmate and may not be redisclosed for any
15 other purpose. Notwithstanding the provisions of this
16 Section, disclosure shall be made to sheriffs or their
17 designees pursuant to Section 3-15-3 of the Unified Code of
18 Corrections provided the disclosures are limited to whether
19 the inmate had received mental health services from the
20 Department or community agencies funded by the Department and
21 whether the inmate poses a risk to the safety of the inmate
22 or that of others at the jail.

23 (Source: P.A. 91-536, eff. 1-1-00.)

24 Section 99. Effective date. This Act takes effect on
25 January 1, 2004."