

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 Mental Health and Developmental
7 Disabilities Administrative Act is amended by adding Section
8 72 as follows:

9 (20 ILCS 1705/72 new)

10 Sec. 72. Database to assist county jails in assessing
11 the risks posed by mentally ill inmates.

12 (a) No later than July 1, 2003, the Department shall
13 create and maintain an electronic system accessible over the
14 Internet to the sheriff of each county enabling the sheriff
15 to determine within 24 hours of admission whether any person
16 admitted to a jail operated by the sheriff has received
17 mental health services in a facility operated by the
18 Department within the past 90 days and whether the Department
19 has information suggesting that the inmate poses a threat to
20 himself or herself or others. The Department shall take
21 appropriate precautions to protect the security of the

1 information transmitted under this subsection (a), including
2 but not limited to the use of access codes.

3 (b) The Department shall take reasonable steps to add to
4 this electronic system the information set forth in
5 subsection (a) of this Section relating to any person who has
6 received mental health services from other providers funded
7 by the Department.

8 Section 10. The Unified Code of Corrections is amended
9 by changing Section 3-15-3 as follows:

10 (730 ILCS 5/3-15-3) (from Ch. 38, par. 1003-15-3)

11 Sec. 3-15-3. Persons with mental illness and
12 developmental disabilities.

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

19 Those standards and procedures must address screening and
20 classification, the use of psychotropic medications, suicide
21 prevention, qualifications of staff, staffing levels, staff
22 training, discharge, linkage and aftercare, the
23 confidentiality of mental health records, and such other
24 issues as are necessary to ensure that inmates with mental
25 illness receive adequate and humane care and services.

26 Those standards and procedures must include a requirement
27 that the sheriff of each county whose jail has access to the
28 Internet make arrangements with the Department of Human
29 Services, under Section 72 of the Mental Health and
30 Developmental Disabilities Administrative Act, no later July
31 1, 2003 enabling the sheriff to determine whether any person
32 admitted to the jail has received mental health services

1 within the past 90 days and, if so, whether there is
2 information suggesting that the person poses a risk to his or
3 her own safety or that of others.

4 Those standards shall further include a requirement that
5 the sheriff of any county whose jail does not have access to
6 the Internet must provide Internet access to the jail no
7 later than January 1, 2005, and, upon obtaining Internet
8 access, make arrangements with the Department of Human
9 Services, under Section 72 of the Mental Health and
10 Developmental Disabilities Administrative Act, to determine
11 whether any person admitted to the jail has received mental
12 health services within the past 90 days and, if so, whether
13 there is information suggesting that the person poses a risk
14 to his or her own safety or that of others.

15 The Office of Mental Health and any sheriff may enter
16 into such agreements, including but not limited to the
17 sharing or provision of computer software or hardware, as
18 they may deem appropriate to facilitate the sharing of the
19 information in a prompt and effective manner.

20 Information obtained by the sheriffs under this Section
21 shall be used only to determine if an inmate poses a risk to
22 his or her own safety or that of others at the jail or to
23 provide treatment to the inmate and may not be redisclosed
24 for any other purpose or investigation.

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

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

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

10 Section 15. The Mental Health and Developmental
11 Disabilities Confidentiality Act is amended by changing
12 Section 9.2 as follows:

13 (740 ILCS 110/9.2)

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

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

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

23 Section 99. Effective date. This Act takes effect on
24 January 1, 2003."