

1 AMENDMENT TO SENATE BILL 108

2 AMENDMENT NO. _____. Amend Senate Bill 108 as follows:

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

5 "Section 1. Findings; purpose.

6 (a) The General Assembly finds and declares that:

7 (1) Public Act 89-688, effective June 1, 1997,
8 contained provisions amending Section 3-8-7 of the
9 Unified Code of Corrections relating to disciplinary
10 procedures at Department of Corrections facilities.
11 Public Act 89-688 also contained other provisions.

12 (2) On October 20, 2000, in People v. Jerry Lee
13 Foster, 316 Ill. App. 3d 855, the Illinois Appellate
14 Court, Fourth District, ruled that Public Act 89-688
15 violates the single subject clause of the Illinois
16 Constitution (Article IV, Section 8 (d)) and is therefore
17 unconstitutional in its entirety.

18 (3) The provisions added and deleted from Section
19 3-8-7 of the Unified Code of Corrections by Public Act
20 89-688 are of vital concern to the people of this State.
21 Prompt legislative action concerning those provisions is
22 necessary.

1 (b) It is the purpose of this Act to re-enact Section
2 3-8-7 of the Unified Code of Corrections, including the
3 provisions added and deleted by Public Act 89-688. This
4 re-enactment is intended to remove any question as to the
5 validity or content of those provisions; it is not intended
6 to supersede any other Public Act that amends the text of the
7 Section as set forth in this Act. The re-enacted material is
8 shown in this Act as existing text (i.e., without
9 underscoring).

10 Section 5. The Unified Code of Corrections is amended by
11 re-enacting Section 3-8-7 as follows:

12 (730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)

13 Sec. 3-8-7. Disciplinary Procedures.)

14 (a) All disciplinary action shall be consistent with
15 this Chapter. Rules of behavior and conduct, the penalties
16 for violation thereof, and the disciplinary procedure by
17 which such penalties may be imposed shall be available to
18 committed persons.

19 (b) (1) Corporal punishment and disciplinary
20 restrictions on diet, medical or sanitary facilities,
21 mail or access to legal materials are prohibited.

22 (2) (Blank).

23 (3) (Blank).

24 (c) Review of disciplinary action imposed under this
25 Section shall be provided by means of the grievance procedure
26 under Section 3-8-8. The Department shall provide a
27 disciplined person with a review of his or her disciplinary
28 action in a timely manner as required by law.

29 (d) All institutions and facilities of the Adult
30 Division shall establish, subject to the approval of the
31 Director, procedures for hearing disciplinary cases except
32 those that may involve the imposition of disciplinary

1 segregation and isolation; the loss of good time credit under
2 Section 3-6-3 or eligibility to earn good time credit.

3 (e) In disciplinary cases which may involve the
4 imposition of disciplinary segregation and isolation, the
5 loss of good time credit or eligibility to earn good time
6 credit, the Director shall establish disciplinary procedures
7 consistent with the following principles:

8 (1) Any person or persons who initiate a
9 disciplinary charge against a person shall not determine
10 the disposition of the charge. The Director may
11 establish one or more disciplinary boards to hear and
12 determine charges.

13 (2) Any committed person charged with a violation
14 of Department rules of behavior shall be given notice of
15 the charge including a statement of the misconduct
16 alleged and of the rules this conduct is alleged to
17 violate.

18 (3) Any person charged with a violation of rules is
19 entitled to a hearing on that charge at which time he
20 shall have an opportunity to appear before and address
21 the person or persons deciding the charge.

22 (4) The person or persons determining the
23 disposition of the charge may also summon to testify any
24 witnesses or other persons with relevant knowledge of the
25 incident.

26 (5) If the charge is sustained, the person charged
27 is entitled to a written statement of the decision by the
28 persons determining the disposition of the charge which
29 shall include the basis for the decision and the
30 disciplinary action, if any, to be imposed.

31 (6) (Blank).

32 (Source: P.A. 89-688, eff. 6-1-97.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.".