



Rep. La Shawn K. Ford

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LRB100 05199 RLC 22405 a

1 AMENDMENT TO HOUSE BILL 259

2 AMENDMENT NO. _____. Amend House Bill 259 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Isolated Confinement Restriction Act.

6 Section 5. Definitions. In this Act:

7 "Correctional facility" means any State correctional
8 facility or county correctional facility, and any State, county
9 or private facility detaining persons under any
10 intergovernmental service agreement or other contract with any
11 State, county, or federal agency, including, but not limited
12 to, United States Immigration and Customs Enforcement.

13 "Facility administrator" means the chief operating
14 officer, senior administrative designee, or warden of a
15 correctional facility.

16 "Isolated confinement" means confinement of a committed

1 person in a correctional facility in a cell or confined living
2 space, alone or with other inmates, for more than 20 hours in
3 any 24-hour period.

4 "Protective custody" means confinement of a committed
5 person in a cell or confined living space under conditions
6 necessary to protect the committed person or others.

7 Section 10. Restrictions on the use of isolated
8 confinement.

9 (a) Except as provided in subsection (b) of this Section,
10 the use of isolated confinement in correctional facilities in
11 this State shall be restricted as follows:

12 (1) A committed person may not be placed in isolated
13 confinement for more than 10 consecutive days.

14 (2) A committed person may not be placed in isolated
15 confinement for more than 10 days in any 180-day period.

16 (3) While out of cell, committed persons may have
17 access to activities, including but not limited to: job
18 assignments, educational classes, vocational classes,
19 meals, recreation, yard or gymnasium, day room, medical
20 appointments, visits, and group therapy.

21 (b) Isolated confinement shall be permitted if the facility
22 administrator determines that a committed person should be
23 placed in protective custody. The facility administrator's use
24 of protective custody is limited as follows:

25 (1) The committed person may be placed in protective

1 custody only with informed, voluntary written consent of
2 the committed person.

3 (2) A committed person in protective custody may opt
4 out of that status by providing informed, voluntary,
5 written refusal of that status.

6 (c) Nothing in this Act is intended to restrict any rights
7 or privileges a committed person may have under any other
8 statute, rule, or regulation.

9 Section 15. Data publication. The Department of
10 Corrections shall post on the Department's official website
11 quarterly reports on the use of isolated confinement. Those
12 reports shall include data on the use of isolated confinement
13 by age, sex, gender identity, ethnicity, incidence of mental
14 illness, and type of confinement status, at each facility;
15 these reports shall include the population on the last day of
16 each quarter and a non-duplicative cumulative count of persons
17 exposed to isolated confinement for each fiscal year. These
18 reports shall include the incidence of emergency confinement,
19 self-harm, suicide, and assault in any isolated confinement
20 unit, as well as explanations for each instance of
21 facility-wide lockdown. These reports shall include data on the
22 access to health care, including the time it takes for a
23 confined person to access medical care following a request and
24 the time between routine mental and physical checkups. These
25 reports shall not include personally identifiable information

1 regarding any committed person.

2 Section 105. The Unified Code of Corrections is amended by
3 changing Section 3-8-7 as follows:

4 (730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)

5 Sec. 3-8-7. Disciplinary Procedures.→

6 (a) All disciplinary action shall be consistent with this
7 Chapter. Rules of behavior and conduct, the penalties for
8 violation thereof, and the disciplinary procedure by which such
9 penalties may be imposed shall be available to committed
10 persons.

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

14 (2) (Blank).

15 (3) (Blank).

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

21 (d) All institutions and facilities of the Department of
22 Corrections shall establish, subject to the approval of the
23 Director, procedures for hearing disciplinary cases except
24 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 imposition
4 of ~~disciplinary segregation and isolation,~~ the loss of good
5 time credit or eligibility to earn good time credit, the
6 Director shall establish disciplinary procedures consistent
7 with the following principles:

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

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

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

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

23 (5) If the charge is sustained, the person charged is
24 entitled to a written statement of the decision by the
25 persons determining the disposition of the charge which
26 shall include the basis for the decision and the

1 disciplinary action, if any, to be imposed.

2 (6) (Blank).

3 (f) In disciplinary cases which may involve the imposition
4 of segregation and isolation, isolated confinement, or
5 restrictive housing, the Director shall establish disciplinary
6 procedures consistent with the Isolated Confinement
7 Restriction Act.

8 (Source: P.A. 97-1083, eff. 8-24-12.)

9 Section 999. Effective date. This Act takes effect January
10 1, 2018, except that this Section and Section 15 take effect
11 upon becoming law.".