



Rep. Mary E. Flowers

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1 AMENDMENT TO HOUSE BILL 3831

2 AMENDMENT NO. _____. Amend House Bill 3831 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-6-2 and 3-10-2 as follows:

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

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

8 (a) Each institution and facility of the Department shall
9 be administered by a chief administrative officer appointed by
10 the Director. A chief administrative officer shall be
11 responsible for all persons assigned to the institution or
12 facility. The chief administrative officer shall administer
13 the programs of the Department for the custody and treatment of
14 such persons.

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

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

14 (d) The Department shall provide educational programs in
15 each of its institutions and facilities for all committed
16 persons so that all persons have an opportunity to attain the
17 achievement level equivalent to the completion of the twelfth
18 grade in the public school system in this State. Other higher
19 levels of attainment shall be encouraged and professional
20 instruction shall be maintained wherever possible. The
21 Department must allow into each institution and facility of the
22 Department teachers who hold Professional Educator Licenses
23 issued by the State Superintendent of Education under the
24 School Code to teach committed persons. The Department may
25 establish programs of mandatory education and may establish
26 rules and regulations for the administration of such programs.

1 A person committed to the Department who, during the period of
2 his or her incarceration, participates in an educational
3 program provided by or through the Department and through that
4 program is awarded or earns the number of hours of credit
5 required for the award of an associate, baccalaureate, or
6 higher degree from a community college, college, or university
7 located in Illinois shall reimburse the State, through the
8 Department, for the costs incurred by the State in providing
9 that person during his or her incarceration with the education
10 that qualifies him or her for the award of that degree. The
11 costs for which reimbursement is required under this subsection
12 shall be determined and computed by the Department under rules
13 and regulations that it shall establish for that purpose.
14 However, interest at the rate of 6% per annum shall be charged
15 on the balance of those costs from time to time remaining
16 unpaid, from the date of the person's parole, mandatory
17 supervised release, or release constituting a final
18 termination of his or her commitment to the Department until
19 paid.

20 (d-1) Recognizing that there is a positive correlation
21 between educational opportunities and reduced recidivism, it
22 is the intent of the General Assembly to offer appropriate
23 post-secondary opportunities to committed persons. The
24 Department shall provide vocational training for committed
25 persons in each institution and facility of the Department.

26 The Department shall create a 5-year pilot program

1 instituted within the Department of Corrections. The program
2 shall allow committed persons to receive a post-secondary
3 education. The post-secondary educational programs shall be
4 provided by accredited public colleges, community colleges,
5 and 4-year universities that provide an associate or
6 baccalaureate degree program. The colleges and universities
7 must have an agreement with the Department or be invited to
8 participate in the program by the Department. The
9 post-secondary educational program shall be provided to those
10 committed persons who:

11 (1) have a high school diploma or GED;

12 (2) are not in a maximum security level facility; and

13 (3) will be released from the Department facility in no
14 more than 10 years.

15 The post-secondary educational program shall meet the
16 following requirements:

17 (1) be taught by licensed teachers and professors;

18 (2) offer accredited college courses; and

19 (3) provide the required certification for the degree,
20 trade, or occupation.

21 Any committed person who agrees to participate in the
22 post-secondary educational program shall remain in that
23 facility unless released or removal is required for the
24 well-being of the inmate. If a committed person is moved to
25 another facility, the committed person shall be able to
26 complete the educational program to which he or she enrolled.

1 If that facility does not have the program, a substantially
2 similar program shall be offered and the credits received shall
3 be transferred to the applicable program.

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

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

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

25 (2) that the person is not capable of giving consent to
26 such treatment; the chief administrative officer may give

1 consent for such medical or surgical treatment, and such
2 consent shall be deemed to be the consent of the person for
3 all purposes, including, but not limited to, the authority
4 of a physician to give such treatment.

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

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

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

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

21 (h) The Department may provide Family Responsibility
22 Services which may consist of, but not be limited to the
23 following:

- 24 (1) family advocacy counseling;
- 25 (2) parent self-help group;
- 26 (3) parenting skills training;

1 (4) parent and child overnight program;

2 (5) parent and child reunification counseling, either
3 separately or together, preceding the inmate's release;
4 and

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

8 (i) (Blank).

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

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

22 (l) Prior to the release of any inmate committed to a
23 facility of the Department or the Department of Juvenile
24 Justice, the Department must provide the inmate with
25 appropriate information verbally, in writing, by video, or
26 other electronic means, concerning HIV and AIDS. The Department

1 shall develop the informational materials in consultation with
2 the Department of Public Health. At the same time, the
3 Department must also offer the committed person the option of
4 testing for infection with human immunodeficiency virus (HIV),
5 with no copayment for the test. Pre-test information shall be
6 provided to the committed person and informed consent obtained
7 as required in subsection (d) of Section 3 and Section 5 of the
8 AIDS Confidentiality Act. The Department may conduct opt-out
9 HIV testing as defined in Section 4 of the AIDS Confidentiality
10 Act. If the Department conducts opt-out HIV testing, the
11 Department shall place signs in English, Spanish and other
12 languages as needed in multiple, highly visible locations in
13 the area where HIV testing is conducted informing inmates that
14 they will be tested for HIV unless they refuse, and refusal or
15 acceptance of testing shall be documented in the inmate's
16 medical record. The Department shall follow procedures
17 established by the Department of Public Health to conduct HIV
18 testing and testing to confirm positive HIV test results. All
19 testing must be conducted by medical personnel, but pre-test
20 and other information may be provided by committed persons who
21 have received appropriate training. The Department, in
22 conjunction with the Department of Public Health, shall develop
23 a plan that complies with the AIDS Confidentiality Act to
24 deliver confidentially all positive or negative HIV test
25 results to inmates or former inmates. Nothing in this Section
26 shall require the Department to offer HIV testing to an inmate

1 who is known to be infected with HIV, or who has been tested
2 for HIV within the previous 180 days and whose documented HIV
3 test result is available to the Department electronically. The
4 testing provided under this subsection (1) shall consist of a
5 test approved by the Illinois Department of Public Health to
6 determine the presence of HIV infection, based upon
7 recommendations of the United States Centers for Disease
8 Control and Prevention. If the test result is positive, a
9 reliable supplemental test based upon recommendations of the
10 United States Centers for Disease Control and Prevention shall
11 be administered.

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

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

23 (1) the addiction recovery service contacts the chief
24 administrative officer to arrange the meeting;

25 (2) the committed person may attend the meeting for
26 addiction recovery services only if the committed person

1 uses pre-existing free time already available to the
2 committed person;

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

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

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

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

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

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

23 For the purposes of this subsection (m), "addiction
24 recovery services" means recovery services for alcoholics and
25 addicts provided by volunteers of recovery support services
26 recognized by the Department of Human Services.

1 (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,
2 eff. 8-12-11; 97-562, eff. 1-1-12; 97-802, eff. 7-13-12;
3 97-813, eff. 7-13-12.)

4 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)
5 Sec. 3-10-2. Examination of Persons Committed to the
6 Department of Juvenile Justice.

7 (a) A person committed to the Department of Juvenile
8 Justice shall be examined in regard to his medical,
9 psychological, social, educational and vocational condition
10 and history, including the use of alcohol and other drugs, the
11 circumstances of his offense and any other information as the
12 Department of Juvenile Justice may determine.

13 (a-5) Upon admission of a person committed to the
14 Department of Juvenile Justice, the Department of Juvenile
15 Justice must provide the person with appropriate information
16 concerning HIV and AIDS in writing, verbally, or by video or
17 other electronic means. The Department of Juvenile Justice
18 shall develop the informational materials in consultation with
19 the Department of Public Health. At the same time, the
20 Department of Juvenile Justice also must offer the person the
21 option of being tested, at no charge to the person, for
22 infection with human immunodeficiency virus (HIV). Pre-test
23 information shall be provided to the committed person and
24 informed consent obtained as required in subsection (q) of
25 Section 3 and Section 5 of the AIDS Confidentiality Act. The

1 Department of Juvenile Justice may conduct opt-out HIV testing
2 as defined in Section 4 of the AIDS Confidentiality Act. If the
3 Department conducts opt-out HIV testing, the Department shall
4 place signs in English, Spanish and other languages as needed
5 in multiple, highly visible locations in the area where HIV
6 testing is conducted informing inmates that they will be tested
7 for HIV unless they refuse, and refusal or acceptance of
8 testing shall be documented in the inmate's medical record. The
9 Department shall follow procedures established by the
10 Department of Public Health to conduct HIV testing and testing
11 to confirm positive HIV test results. All testing must be
12 conducted by medical personnel, but pre-test and other
13 information may be provided by committed persons who have
14 received appropriate training. The Department, in conjunction
15 with the Department of Public Health, shall develop a plan that
16 complies with the AIDS Confidentiality Act to deliver
17 confidentially all positive or negative HIV test results to
18 inmates or former inmates. Nothing in this Section shall
19 require the Department to offer HIV testing to an inmate who is
20 known to be infected with HIV, or who has been tested for HIV
21 within the previous 180 days and whose documented HIV test
22 result is available to the Department electronically. The
23 testing provided under this subsection (a-5) shall consist of a
24 test approved by the Illinois Department of Public Health to
25 determine the presence of HIV infection, based upon
26 recommendations of the United States Centers for Disease

1 Control and Prevention. If the test result is positive, a
2 reliable supplemental test based upon recommendations of the
3 United States Centers for Disease Control and Prevention shall
4 be administered.

5 Also upon admission of a person committed to the Department
6 of Juvenile Justice, the Department of Juvenile Justice must
7 inform the person of the Department's obligation to provide the
8 person with medical care.

9 (b) Based on its examination, the Department of Juvenile
10 Justice may exercise the following powers in developing a
11 treatment program of any person committed to the Department of
12 Juvenile Justice:

13 (1) Require participation by him in vocational,
14 physical, educational and corrective training and
15 activities to return him to the community.

16 (2) Place him in any institution or facility of the
17 Department of Juvenile Justice.

18 (3) Order replacement or referral to the Parole and
19 Pardon Board as often as it deems desirable. The Department
20 of Juvenile Justice shall refer the person to the Parole
21 and Pardon Board as required under Section 3-3-4.

22 (4) Enter into agreements with the Secretary of Human
23 Services and the Director of Children and Family Services,
24 with courts having probation officers, and with private
25 agencies or institutions for separate care or special
26 treatment of persons subject to the control of the

1 Department of Juvenile Justice.

2 (c) The Department of Juvenile Justice shall make periodic
3 reexamination of all persons under the control of the
4 Department of Juvenile Justice to determine whether existing
5 orders in individual cases should be modified or continued.
6 This examination shall be made with respect to every person at
7 least once annually.

8 (d) A record of the treatment decision including any
9 modification thereof and the reason therefor, shall be part of
10 the committed person's master record file.

11 (e) The Department of Juvenile Justice shall by certified
12 mail and telephone or electronic message notify the parent,
13 guardian or nearest relative of any person committed to the
14 Department of Juvenile Justice of his or her physical location
15 and any change thereof.

16 (f) Each institution and facility of the Department of
17 Juvenile Justice shall provide educational and vocational
18 training for all persons committed to the Department.

19 (Source: P.A. 98-689, eff. 1-1-15; 98-1046, eff. 1-1-15; 99-78,
20 eff. 7-20-15.)

21 Section 99. Effective date. This Act takes effect January
22 1, 2018."