



Rep. Carol Ammons

Filed: 4/26/2018

10000HB5104ham003

LRB100 18106 RLC 39337 a

1 AMENDMENT TO HOUSE BILL 5104

2 AMENDMENT NO. _____. Amend House Bill 5104, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

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

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

16 (b) The chief administrative officer shall have such

1 assistants as the Department may assign.

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

15 (d) The Department shall provide educational programs for
16 all committed persons so that all persons have an opportunity
17 to attain the achievement level equivalent to the completion of
18 the twelfth grade in the public school system in this State.
19 Other higher levels of attainment shall be encouraged and
20 professional instruction shall be maintained wherever
21 possible. The Department may establish programs of mandatory
22 education and may establish rules and regulations for the
23 administration of such programs. A person committed to the
24 Department who, during the period of his or her incarceration,
25 participates in an educational program provided by or through
26 the Department and through that program is awarded or earns the

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

16 (d-5) A person committed to the Department is entitled to
17 confidential testing for infection with human immunodeficiency
18 virus (HIV) and to counseling in connection with such testing,
19 with no copay to the committed person. A person committed to
20 the Department who has tested positive for infection with HIV
21 is entitled to medical care while incarcerated, counseling, and
22 referrals to support services, in connection with that positive
23 test result. Implementation of this subsection (d-5) is subject
24 to appropriation.

25 (e) A person committed to the Department who becomes in
26 need of medical or surgical treatment but is incapable of

1 giving consent thereto shall receive such medical or surgical
2 treatment by the chief administrative officer consenting on the
3 person's behalf. Before the chief administrative officer
4 consents, he or she shall obtain the advice of one or more
5 physicians licensed to practice medicine in all its branches in
6 this State. If such physician or physicians advise:

7 (1) that immediate medical or surgical treatment is
8 required relative to a condition threatening to cause
9 death, damage or impairment to bodily functions, or
10 disfigurement; and

11 (2) that the person is not capable of giving consent to
12 such treatment; the chief administrative officer may give
13 consent for such medical or surgical treatment, and such
14 consent shall be deemed to be the consent of the person for
15 all purposes, including, but not limited to, the authority
16 of a physician to give such treatment.

17 (e-5) If a physician providing medical care to a committed
18 person on behalf of the Department advises the chief
19 administrative officer that the committed person's mental or
20 physical health has deteriorated as a result of the cessation
21 of ingestion of food or liquid to the point where medical or
22 surgical treatment is required to prevent death, damage, or
23 impairment to bodily functions, the chief administrative
24 officer may authorize such medical or surgical treatment.

25 (f) In the event that the person requires medical care and
26 treatment at a place other than the institution or facility,

1 the person may be removed therefrom under conditions prescribed
2 by the Department. Neither the Department of Corrections nor
3 the Department of Juvenile Justice may require a committed
4 person or person committed to any facility operated by the
5 Department of Juvenile Justice, as set forth in Section
6 3-2.5-15 of this Code, to pay any co-payment for receiving
7 medical or dental services. ~~The Department shall require the~~
8 ~~committed person receiving medical or dental services on a~~
9 ~~non-emergency basis to pay a \$5 co payment to the Department~~
10 ~~for each visit for medical or dental services. The amount of~~
11 ~~each co-payment shall be deducted from the committed person's~~
12 ~~individual account. A committed person who has a chronic~~
13 ~~illness, as defined by Department rules and regulations, shall~~
14 ~~be exempt from the \$5 co payment for treatment of the chronic~~
15 ~~illness. A committed person shall not be subject to a \$5~~
16 ~~co payment for follow up visits ordered by a physician, who is~~
17 ~~employed by, or contracts with, the Department. A committed~~
18 ~~person who is indigent is exempt from the \$5 co payment and is~~
19 ~~entitled to receive medical or dental services on the same~~
20 ~~basis as a committed person who is financially able to afford~~
21 ~~the co-payment. For purposes of this Section only, "indigent"~~
22 ~~means a committed person who has \$20 or less in his or her~~
23 ~~Inmate Trust Fund at the time of such services and for the 30~~
24 ~~days prior to such services. Notwithstanding any other~~
25 ~~provision in this subsection (f) to the contrary, any person~~
26 ~~committed to any facility operated by the Department of~~

1 ~~Juvenile Justice, as set forth in Section 3-2.5-15 of this~~
2 ~~Code, is exempt from the co-payment requirement for the~~
3 ~~duration of confinement in those facilities.~~

4 (g) Any person having sole custody of a child at the time
5 of commitment or any woman giving birth to a child after her
6 commitment, may arrange through the Department of Children and
7 Family Services for suitable placement of the child outside of
8 the Department of Corrections. The Director of the Department
9 of Corrections may determine that there are special reasons why
10 the child should continue in the custody of the mother until
11 the child is 6 years old.

12 (h) The Department may provide Family Responsibility
13 Services which may consist of, but not be limited to the
14 following:

15 (1) family advocacy counseling;

16 (2) parent self-help group;

17 (3) parenting skills training;

18 (4) parent and child overnight program;

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

21 and

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

25 (i) (Blank).

26 (j) Any person convicted of a sex offense as defined in the

1 Sex Offender Management Board Act shall be required to receive
2 a sex offender evaluation prior to release into the community
3 from the Department of Corrections. The sex offender evaluation
4 shall be conducted in conformance with the standards and
5 guidelines developed under the Sex Offender Management Board
6 Act and by an evaluator approved by the Board.

7 (k) Any minor committed to the Department of Juvenile
8 Justice for a sex offense as defined by the Sex Offender
9 Management Board Act shall be required to undergo sex offender
10 treatment by a treatment provider approved by the Board and
11 conducted in conformance with the Sex Offender Management Board
12 Act.

13 (l) Prior to the release of any inmate committed to a
14 facility of the Department or the Department of Juvenile
15 Justice, the Department must provide the inmate with
16 appropriate information verbally, in writing, by video, or
17 other electronic means, concerning HIV and AIDS. The Department
18 shall develop the informational materials in consultation with
19 the Department of Public Health. At the same time, the
20 Department must also offer the committed person the option of
21 testing for infection with human immunodeficiency virus (HIV),
22 with no copayment for the test. Pre-test information shall be
23 provided to the committed person and informed consent obtained
24 as required in subsection (d) of Section 3 and Section 5 of the
25 AIDS Confidentiality Act. The Department may conduct opt-out
26 HIV testing as defined in Section 4 of the AIDS Confidentiality

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

1 United States Centers for Disease Control and Prevention shall
2 be administered.

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

7 (m) The chief administrative officer of each institution or
8 facility of the Department shall make a room in the institution
9 or facility available for addiction recovery services to be
10 provided to committed persons on a voluntary basis. The
11 services shall be provided for one hour once a week at a time
12 specified by the chief administrative officer of the
13 institution or facility if the following conditions are met:

14 (1) the addiction recovery service contacts the chief
15 administrative officer to arrange the meeting;

16 (2) the committed person may attend the meeting for
17 addiction recovery services only if the committed person
18 uses pre-existing free time already available to the
19 committed person;

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

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

24 (5) if the addiction recovery service does not arrange
25 for scheduling a meeting for that week, no addiction
26 recovery services shall be provided to the committed person

1 in the institution or facility for that week;

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

5 (7) a volunteer seeking to provide addiction recovery
6 services under this subsection (m) must submit an
7 application to the Department of Corrections under
8 existing Department rules and the Department must review
9 the application within 60 days after submission of the
10 application to the Department; and

11 (8) each institution and facility of the Department
12 shall manage the addiction recovery services program
13 according to its own processes and procedures.

14 For the purposes of this subsection (m), "addiction
15 recovery services" means recovery services for alcoholics and
16 addicts provided by volunteers of recovery support services
17 recognized by the Department of Human Services.

18 (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,
19 eff. 8-12-11; 97-562, eff. 1-1-12; 97-802, eff. 7-13-12;
20 97-813, eff. 7-13-12.)".