



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5855

by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/Art. Ch. III Art. 2.1 heading new  
730 ILCS 5/3-2.1-1 new  
730 ILCS 5/3-2.1-5 new  
730 ILCS 5/3-2.1-10 new  
730 ILCS 5/3-2.1-15 new  
730 ILCS 5/3-2.1-20 new  
730 ILCS 5/3-2.1-25 new  
730 ILCS 5/3-2.1-30 new  
730 ILCS 5/3-2.1-35 new

Amends the Unified Code of Corrections. Creates the Correctional Oversight Board to monitor, study, and make efforts to improve the transparency, fairness, impartiality, and accountability in State correctional institutions and facilities and to appoint the Ombudsman. Establishes the composition and appointment of the Board. Provides that no current employee of the Department of Corrections shall be appointed to or serve on the Board. Provides that the Ombudsman shall be responsible for the contemporaneous public oversight of internal affairs and the disciplinary process of the Department of Corrections. Provides that the Ombudsman may provide oversight of any Department investigation relating to the well-being, treatment, discipline, safety, or any other matter concerning committed persons or persons under parole or mandatory supervised release as needed, including personnel investigations. Creates the offense of obstructing an investigation by the Correctional Ombudsman. Provides that a violation is a Class A misdemeanor.

LRB100 21442 RLC 38049 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by  
5 adding Article 2.1 of Chapter III as follows:

6 (730 ILCS 5/Art. Ch. III Art. 2.1 heading new)

7 ARTICLE 2.1. OFFICE OF THE CORRECTIONAL OMBUDSMAN LAW

8 (730 ILCS 5/3-2.1-1 new)

9 Sec. 3-2.1-1. Short title. This Article may be cited as the  
10 Office of Correctional Ombudsman Law.

11 (730 ILCS 5/3-2.1-5 new)

12 Sec. 3-2.1-5. Definitions. As used in this Article:

13 "Department" means the Department of Corrections.

14 "Director" means the Director of Corrections.

15 "Ombudsman" means the Office of the Correctional Ombudsman  
16 established in Section 3-2.1-10 of this Code.

17 "Oversight Board" means the Correctional Oversight Board  
18 established in Section 3-2.1-15 of this Code.

19 (730 ILCS 5/3-2.1-10 new)

20 Sec. 3-2.1-10. Ombudsman; appointment; organization.

1       (a) In order to achieve transparency, fairness,  
2 impartiality, and accountability in State correctional  
3 facilities, there is created an independent Office of the  
4 Correctional Ombudsman within the Executive Branch of State  
5 government. The Ombudsman shall report to the Correctional  
6 Oversight Board established in Section 3-2.1-15 of this  
7 Article.

8       (b) Following the initial appointment of the members of the  
9 Correctional Oversight Board established under Section  
10 3-2.1-15 of this Article, the Oversight Board shall promptly  
11 nominate a full-time Ombudsman and notify the Governor of the  
12 nomination. Nothing in this subsection (b) shall prohibit the  
13 Oversight Board from appointing an interim Ombudsman if there  
14 is a vacancy.

15       (c) The Governor, within 30 days after receiving written  
16 notice of any nomination of an Ombudsman made under subsection  
17 (b) of this Section, may approve or disapprove the nomination.  
18 If the Governor approves the nomination, or fails to act on the  
19 nomination within the 30-day period, the nominee shall  
20 immediately commence his or her term as Ombudsman. If, within  
21 that 30-day period, the Governor serves upon the chair of the  
22 Oversight Board a written notice disapproving the nomination,  
23 the nominee shall not be authorized to serve as Ombudsman,  
24 except that the Oversight Board may authorize an interim  
25 Ombudsman appointed under subsection (b) of this Section to  
26 serve or continue to serve as interim Ombudsman until the time

1 an Ombudsman is approved, or not timely disapproved, by the  
2 Governor. Following any disapproval, the Oversight Board shall  
3 have 60 days to submit another nominee, although the period may  
4 be extended, upon request of the Oversight Board, by the  
5 Governor. A person appointed as interim Ombudsman may exercise  
6 all of the powers available to the Ombudsman.

7 (d) The Ombudsman must not have worked for the Department  
8 within the last 10 years and may not hold any public office or  
9 other employment. The Ombudsman shall serve a 6-year term and  
10 may only be removed for good cause shown, after notice and an  
11 opportunity to be heard, by a vote of two-thirds or more of the  
12 12 members of the Oversight Board.

13 (730 ILCS 5/3-2.1-15 new)

14 Sec. 3-2.1-15. Correctional Oversight Board.

15 (a) There is created the Correctional Oversight Board. The  
16 purpose of the Oversight Board shall be to monitor, study, and  
17 make efforts to improve the transparency, fairness,  
18 impartiality, and accountability in State correctional  
19 institutions and facilities and to appoint the Ombudsman. No  
20 current employee of the Department shall be appointed to or  
21 serve on the Oversight Board. The Oversight Board shall consist  
22 of 12 members who shall be appointed as follows:

23 (1) one shall be the Executive Inspector General;

24 (2) 4 shall be appointed by the Governor by and with  
25 the advice and consent of the Senate;

1           (3) 2 shall be appointed by the Governor from a list of  
2           at least 6 nominees submitted by non-profit agencies  
3           working in the fields of re-entry or prisoner advocacy;

4           (4) one shall be appointed by the Governor and shall be  
5           a former committed person of a Department institution or  
6           facility;

7           (5) one shall be appointed by the Governor and shall be  
8           a former employee of the Department who is no longer in  
9           State service;

10           (6) one shall be an attorney appointed by the Governor  
11           from a list of at least 4 nominees submitted by a statewide  
12           bar association;

13           (7) one shall be a medical professional appointed by  
14           the Governor; and

15           (8) one shall be a mental health professional who works  
16           with an organization providing legal representation for  
17           persons with special needs appointed by the Governor.

18           (b) All members of the Oversight Board shall be appointed  
19           for terms of 3 years with the terms to commence on August 1,  
20           and expire July 31, provided that the Executive Inspector  
21           General shall serve ex officio. Initial appointments must be  
22           made within 60 days after the effective date of this amendatory  
23           Act of the 100th General Assembly. Any member chosen to fill a  
24           vacancy created otherwise than by expiration of term shall be  
25           appointed for the unexpired term of the member whom he or she  
26           is to succeed. Vacancies caused by expiration of a term or

1 otherwise shall be filled promptly and in the same manner as  
2 original appointments. Any member may be reappointed for  
3 additional terms. A member of the Oversight Board shall  
4 continue in the position upon the expiration of his or her term  
5 until the time as he or she is reappointed or his or her  
6 successor is appointed, as the case may be.

7 (c) Membership on the Oversight Board shall not constitute  
8 the holding of an office, and members of the Oversight Board  
9 shall not be required to take and file oaths of office before  
10 serving on the Oversight Board. The Oversight Board shall not  
11 have the right to exercise any portion of the sovereign power  
12 of the State.

13 (d) The Oversight Board shall meet at least 2 times each  
14 year. The first meeting of the Oversight Board shall be held  
15 within 30 days of the appointment of the full Oversight Board  
16 or within 60 days after the effective date of this amendatory  
17 Act of the 100th General Assembly, whichever occurs earlier.  
18 Special meetings may be called by the chair and shall be called  
19 by the chair upon the request of at least 5 members of the  
20 Oversight Board. The Oversight Board may establish its own  
21 procedures with respect to the conduct of its meetings and  
22 other affairs.

23 (e) The members of the Oversight Board shall receive no  
24 compensation for their services but shall be allowed their  
25 actual and necessary expenses incurred in the performance of  
26 their functions under this Article.

1       (f) A member of the Oversight Board may not be disqualified  
2 from holding any public office or employment outside of the  
3 Department, nor shall he or she forfeit any office or  
4 employment, by reason of his or her appointment under this  
5 Section.

6       (g) The Oversight Board shall make recommendations to the  
7 Ombudsman for the improvement of the Department's policies and  
8 consult with and advise the Office of the Correctional  
9 Ombudsman in carrying out the duties and responsibilities of  
10 the Office. The Ombudsman shall report to the Oversight Board  
11 fully on the activities of the Office and shall seek Oversight  
12 Board approval on all major decisions or policy changes,  
13 including any standards or protocols adopted by the Ombudsman  
14 for the inspection and monitoring of correctional facilities or  
15 the resolution of complaints received by the Office.

16       (h) Each member of the Oversight Board shall tour a  
17 correctional facility with the Ombudsman at least annually.

18       (730 ILCS 5/3-2.1-20 new)

19       Sec. 3-2.1-20. Powers of the Ombudsman.

20       (a) The Ombudsman may hire and retain counsel to provide  
21 confidential advice or to represent the Ombudsman if the  
22 Attorney General has a conflict in representing the Ombudsman  
23 in any litigation.

24       (b) The Office of the Ombudsman shall not be located in the  
25 same building or buildings as the Department but shall be

1 wholly independent of the Department except that the Department  
2 shall provide it with office space, equipment, and furnishings  
3 within any Department facility as needed to carry out its  
4 functions and duties.

5 (c) The Ombudsman may appoint the assistants, officers,  
6 investigators, monitors, employees, and consultants as he or  
7 she shall determine necessary, prescribe their duties and  
8 powers, provide them with appropriate training, fix their  
9 compensation, and provide for reimbursement of their expenses  
10 within the amounts appropriated for that purpose, except that  
11 the Ombudsman shall not hire any person known to be directly or  
12 indirectly involved in an open internal affairs investigation  
13 conducted by any federal, State, or local agency or who is a  
14 named defendant in a pending federal or State lawsuit or  
15 criminal proceeding relating to his or her prior work for a  
16 State, local, or federal correctional or law enforcement  
17 agency. The Ombudsman may appoint a representative to carry out  
18 any of his or her duties under this Article, except that the  
19 Ombudsman must attend meetings with the Correctional Oversight  
20 Board.

21 (d) The Ombudsman may create, abolish, transfer, and  
22 consolidate bureaus and other units within the Office as he or  
23 she may determine necessary for the efficient operation of the  
24 Office, subject to the approval of the Director of the  
25 Governor's Office of Management and Budget.

26 (e) The Ombudsman may request and shall receive from any



1 Department, division, bureau, commission, or any other agency  
2 of the State or political subdivision of this State or any  
3 public authority the assistance, information, and data as will  
4 enable the Office to carry out its functions, powers, and  
5 duties.

6 (f) The Ombudsman shall be responsible for the  
7 contemporaneous public oversight of internal affairs and the  
8 disciplinary process of the Department. The Ombudsman shall  
9 have discretion to provide oversight of any Department  
10 investigation relating to the well-being, treatment,  
11 discipline, safety, or any other matter concerning committed  
12 persons or persons under parole or mandatory supervised release  
13 as needed, including personnel investigations.

14 (g) The Ombudsman may review specific policies, practices,  
15 programs, and procedures of the Department that raise a  
16 significant correctional issue relevant to the well-being,  
17 treatment, discipline, safety, rehabilitation, or any other  
18 matter concerning committed persons or persons under parole or  
19 mandatory supervised release. The Ombudsman may inspect,  
20 investigate, or examine all aspects of the Department's  
21 operations and conditions, including, but not limited to, staff  
22 recruitment, training, supervision, use of force, and  
23 discipline; committed person deaths, medical care, and mental  
24 health care; committed person violence and conditions of  
25 confinement; committed person disciplinary process, grievance  
26 process, and substance-abuse treatment; and committed person

1 educational, vocational, and other programming and re-entry  
2 planning. During the course of a review the Ombudsman shall  
3 identify areas of full and partial compliance or noncompliance  
4 with Department policies and procedures, specify deficiencies  
5 in the completion and documentation of processes, and recommend  
6 corrective actions, including, but not limited to, additional  
7 training, additional policies, or changes in policies, as well  
8 as any other findings or recommendations he or she deems  
9 appropriate.

10 (h) The Ombudsman may place the members of his or her staff  
11 as he or she deems appropriate as monitors in any correctional  
12 facility which, in the judgment of the Ombudsman, presents an  
13 imminent danger to the health, safety, or security of committed  
14 persons or employees of the correctional facility or the  
15 public.

16 (i) The Ombudsman shall accept, with the approval of the  
17 Governor, as agent of the State any grant, including federal  
18 grants, or any gift for any of the purposes of this Article.  
19 Any moneys so received may be expended by the Ombudsman to  
20 effectuate any purpose of this Article, subject to the same  
21 limitations as to approval of expenditures and audit as are  
22 prescribed for State moneys appropriated for the purposes of  
23 this Article.

24 (j) The Ombudsman may enter into contracts with any person,  
25 firm, corporation, municipality, or governmental agency.

26 (k) The Ombudsman shall adopt, amend, or rescind rules in

1 accordance with the Illinois Administrative Procedure Act, as  
2 may be necessary or convenient to the performance of the  
3 functions, powers, and duties of the Office.

4 (l) The Ombudsman shall do all other things necessary or  
5 convenient to carry out its functions, powers, and duties  
6 expressly set forth in this Article.

7 (m) If exigent circumstances of unsafe or life threatening  
8 situations arise involving committed persons, staff, persons  
9 on parole or mandatory supervised release, or other persons,  
10 the Ombudsman shall notify the Governor, President of the  
11 Senate, and Speaker of the House of Representatives and  
12 commence an immediate review of the circumstances. Upon  
13 completion of the review, the Ombudsman shall prepare a  
14 complete written report which shall be disclosed with the  
15 underlying materials that the Ombudsman deems appropriate to  
16 the Director, the requesting entity, and any appropriate law  
17 enforcement agency.

18 (n)(1) The Ombudsman shall interview and review all  
19 candidates for appointment to serve as the chief administrative  
20 officer of any State correctional institution or facility. The  
21 Director shall submit the names of the candidates to the  
22 Ombudsman who shall review the candidates' qualifications and  
23 employ confidential procedures to evaluate the qualifications  
24 of each candidate with regard to his or her ability to  
25 discharge the duties of the office to which he or she is being  
26 appointed. Within 90 days of the submission of a candidate's

1 name, the Ombudsman shall confidentially advise the Director as  
2 to whether the candidate is well-qualified, qualified, or not  
3 qualified and the reasons for that assessment and may report,  
4 in confidence, any other information that the Ombudsman deems  
5 pertinent to the qualification of the candidate. The Ombudsman  
6 shall establish and adopt rules and procedures regarding the  
7 review of candidates for the position of chief administrative  
8 officer and for maintaining the confidentiality of any  
9 interviews, documents, or other information relied upon in his  
10 or her review. All the information shall be privileged and not  
11 subject to disclosure.

12 (2) If the Director appoints a chief administrative officer  
13 whom the Ombudsman found was not qualified, the Ombudsman shall  
14 make public that finding after due notice to the appointee. Any  
15 candidate found to be not qualified by the Ombudsman shall have  
16 the right to withdraw from consideration before the Ombudsman  
17 makes the public finding and in that case the finding shall not  
18 be published. The notice and public finding shall not  
19 constitute a waiver of privilege or breach of confidentiality  
20 concerning the Ombudsman's review of the appointee's  
21 qualifications under this Section.

22 (o) Notwithstanding any law to the contrary, the Ombudsman  
23 shall periodically, but not less than every 3 years, conduct  
24 inspections of each correctional institution or facility and  
25 shall periodically review delivery of medical and mental health  
26 care at each correctional institution or facility. The

1 Ombudsman shall issue a public report on each correctional  
2 institution or facility at least every 3 years. The Ombudsman  
3 need not notify the Department before commencing the inspection  
4 or review.

5 (p) All records, correspondence, videotapes, audiotapes,  
6 photographs, notes, electronic communications, books,  
7 memoranda, papers, or other documents or objects used as  
8 evidence to support a completed review or investigation must be  
9 retained for 3 years after a report is issued unless handed  
10 over to a law enforcement agency for criminal investigation. No  
11 documents or evidence shall be destroyed pending the completion  
12 of an investigation or review. The documents or evidence shall  
13 be publicly available unless confidential and not subject to  
14 disclosure under the Freedom of Information Act or by court  
15 order.

16 (q) Notwithstanding any other provision of law, the  
17 Ombudsman shall have complete access and authority to examine  
18 and reproduce any and all past and current books, accounts,  
19 reports, medical and mental health records, vouchers,  
20 correspondence files, computer files, computer data bases,  
21 documents, video and audio tape recordings, statistics and  
22 performance based outcome measures, and any and all other past  
23 and current records and to examine the bank accounts, money, or  
24 property of the Department. Any State office or agency or a  
25 political subdivision of this State or other public entity, or  
26 employee or officer of that entity possessing the records or

1 property, shall permit access to, and examination and  
2 reproduction of the records, consistent with the provisions of  
3 this Article, upon the request the Ombudsman or his or her  
4 designee. Access, examination, and reproduction of the records  
5 consistent with this Section shall not result in waiver of any  
6 confidentiality or privilege regarding any records or  
7 property.

8 (r) The Ombudsman may require any State employee to be  
9 interviewed on a confidential basis. The employee must comply  
10 with the request to be interviewed and must be given time off  
11 from his or her employment for the purposes of attending the  
12 interview and may be accompanied by counsel acting on his or  
13 her behalf. The Ombudsman may also conduct a confidential  
14 interview of any committed person or other person upon consent.

15 (s) The Ombudsman may enter anywhere on the grounds of any  
16 Department institution or facility or office for the purposes  
17 of observation, inspection, and investigation and shall have  
18 unfettered access to all areas of the Department and any  
19 institution or facility at any time.

20 (t) The Ombudsman may cause the body of a deceased  
21 committed person to undergo the examinations, including an  
22 autopsy, as he or she deems necessary to determine the cause of  
23 death, irrespective of whether the examination or autopsy shall  
24 have been previously performed.

25 (u) (1) In the exercise of his or her functions, powers, and  
26 duties, the Ombudsman and any attorney employed by the Office

1 may issue and enforce a subpoena and a subpoena duces tecum,  
2 administer oaths, and examine persons under oath. A person  
3 examined under oath under this paragraph shall have the right  
4 to be accompanied by counsel who shall advise the person of his  
5 or her rights subject to reasonable limitations to prevent  
6 obstruction of, or interference with, the orderly conduct of  
7 the examination. Notwithstanding any other provision of law, a  
8 subpoena may be issued and enforced under this paragraph for  
9 the medical records of a committed person of a correctional  
10 institution or facility, regardless of whether the medical  
11 records were made during the course of the committed person's  
12 incarceration.

13 (2) In any case in which a person in charge or control of a  
14 correctional institution or facility or an officer or employee  
15 of the correctional institution or facility shall fail to  
16 comply with the provisions of paragraph (1) of this subsection  
17 (u), or in any case in which a coroner, coroner's physician, or  
18 medical examiner shall fail to comply with Section 3-3013 of  
19 the Counties Code, the Ombudsman may apply to the Supreme Court  
20 for a judgment of mandamus directed to the person requiring  
21 compliance with the provisions of paragraph (1) of this  
22 subsection (u) or Section 3-3013 of the Counties Code. Upon  
23 application, the Court may issue the judgment as may be just  
24 and a failure to comply with the judgment of the Court shall be  
25 a contempt of court and punishable as contempt.

26 (v) The Ombudsman shall not be compelled to testify or

1 release records without a court order that are otherwise exempt  
2 from public disclosure, including documents pertaining to any  
3 investigation that has not been completed or any identifying  
4 information, personal papers, or correspondence with any  
5 person who has requested assistance from the Office unless that  
6 person consents in writing to the release of the information,  
7 papers, or correspondence.

8 (w) The Ombudsman may hold public hearings.

9 (730 ILCS 5/3-2.1-25 new)

10 Sec. 3-2.1-25. Additional functions, powers, and duties of  
11 the Office of the Ombudsman.

12 (a) The Office may receive communications from any person  
13 who believes he or she may have information that may describe  
14 improper governmental activities or wrongdoing within the  
15 Department. Committed person mail to and from the Ombudsman  
16 shall be treated in the same manner as legal mail and may not  
17 be restricted by the Department, the Department of Human  
18 Services, or any other entity.

19 (b) The Ombudsman shall establish a toll-free telephone  
20 number for the purpose of identifying any alleged wrongdoing by  
21 an employee of the Department. This telephone number shall be  
22 posted by the Department in clear view of employees, committed  
23 persons, and the public, and committed persons shall be  
24 permitted to call the number during normal hours for telephone  
25 usage or within 24 hours of admission to a special housing unit



1 or other unit with restricted telephone access. Telephone calls  
2 made to the toll-free number from a correctional institution or  
3 facility shall not be recorded by the Department and are  
4 protected confidential communications. The Ombudsman shall  
5 also maintain a website with a complaint form that may be  
6 filled out online and shall also accept complaints by mail or  
7 other means alleging wrongdoing by an employee of the  
8 Department. When requested, the Ombudsman shall initiate a  
9 review of any alleged wrongdoing which may result in an  
10 investigation of the alleged wrongdoing at the Ombudsman's  
11 discretion.

12 (c) At the conclusion of an investigation of a complaint,  
13 the Ombudsman shall report his or her findings to the  
14 complainant and any person designated to receive the findings  
15 by the complainant. If the Ombudsman does not investigate a  
16 complaint, he or she shall notify the complainant and the other  
17 person of the decision not to investigate and the reasons for  
18 the decision. If the complainant is deceased at the time of the  
19 completion of an investigation, the Ombudsman shall report his  
20 or her findings to the complainant's next of kin when the  
21 person is known to the Ombudsman or to the Department.

22 (d) The Ombudsman may act informally to resolve a  
23 complaint, including providing referrals or information to  
24 complainants, expediting individual matters, mediating, or  
25 providing other assistance.

26 (e) All identifying information and any personal records or

1 correspondence from any person who initiated the review of the  
2 alleged wrongdoing shall be confidential unless the person  
3 consents to disclosure in writing.

4 (f) If the Ombudsman believes that an allegation of  
5 criminal misconduct has been made by a complainant, he or she  
6 shall report the allegation to the appropriate law enforcement  
7 agency.

8 (g) Upon receiving a complaint of retaliation for  
9 complaining to or cooperating with the Ombudsman, the Ombudsman  
10 shall commence an inquiry into the complaint and conduct a  
11 formal investigation. If the Ombudsman finds that a complaint  
12 of retaliation is founded as a result of an investigation, he  
13 or she shall so notify the Department and make recommendations  
14 for corrective action to be taken by the Department. The  
15 Ombudsman shall make the results and supporting evidence of its  
16 formal investigation available to the Department of Human  
17 Rights should an employee file a retaliation complaint with the  
18 agency and consent to the disclosure in writing.

19 (h) To facilitate oversight, the Office shall be  
20 immediately notified by the Department of all unusual and  
21 significant incidents including, but not limited to, riots or  
22 fights involving multiple combatants, staff use of force,  
23 committed person deaths, serious physical assaults on  
24 employees or committed persons, work stoppages, and escapes and  
25 shall be given monthly aggregated reports of unusual incidents  
26 and committed person grievances by the Department. Employees of

1 the Office shall be permitted to be present in any Department  
2 internal investigation or inquiry. The Office shall be  
3 responsible for reporting the unusual and significant  
4 incidents and the outcome of its investigations into the  
5 incidents to the public no less than quarterly.

6 (i) (1) The Ombudsman shall annually prepare a public report  
7 and summary of all investigations and reviews, including a list  
8 of significant problems discovered by the Office, whether or  
9 not the recommendations made by the Office have been  
10 implemented, and a list of the Office's high priorities for the  
11 following year. The Ombudsman shall submit the report to the  
12 Governor, the President of the Senate, and Speaker of the House  
13 of Representatives by December 31 of each year. The report  
14 shall be posted in electronic form on the Office's public  
15 website. The Ombudsman shall be authorized to redact portions  
16 of the report in a manner consistent with the Freedom of  
17 Information Act or if disclosure is otherwise prohibited by  
18 law.

19 (2) Upon review of the cause of death and circumstances  
20 surrounding the death of any committed person in a correctional  
21 institution or facility, the Ombudsman shall submit its report  
22 on that issue to the Governor, the Speaker of the House of  
23 Representatives, the President of the Senate, the chairperson  
24 of the House of Representatives Government Transparency  
25 Committee, the House of Representatives Judiciary II  
26 Committee, the chairperson of the Senate Criminal Law

1 Committee, and the Director, and, if appropriate, make  
2 recommendations to prevent the recurrence of the deaths. The  
3 reports shall be published on the Office's website and shall  
4 otherwise be made available to the public.

5 (3) The Ombudsman shall make an annual report to the  
6 Governor, the Speaker of the House of Representatives, the  
7 President of the Senate, the chairperson of the House of  
8 Representatives Judiciary II Committee, and the chairperson of  
9 the Senate Criminal Law Committee on the condition of systems  
10 for the delivery of medical care to committed persons of  
11 correctional facilities and, if appropriate, recommend changes  
12 as it shall deem necessary and proper to improve the quality  
13 and availability of the medical care. The report shall be  
14 published on the Office's website and shall otherwise be made  
15 available to the public.

16 (4) All public reports by the Ombudsman shall not disclose  
17 information if prohibited by law.

18 (730 ILCS 5/3-2.1-30 new)

19 Sec. 3-2.1-30. Additional duties of the Department.

20 (a) State employees operating within a correctional  
21 institution or facility must cooperate fully and promptly with  
22 the Ombudsman.

23 (b) The Department shall respond in writing to any  
24 recommendations made by the Ombudsman or his or her designee  
25 within 45 days and shall state with specificity its reasons for

1 failing to act on the recommendation. The writings shall be  
2 made public by the Ombudsman, except that information that  
3 would reveal confidential material that may not be released  
4 under federal or State law shall be redacted by the Ombudsman  
5 from any report or recommendation.

6 (c) The Director shall immediately report to the Ombudsman  
7 the death of a committed person of any institution or facility  
8 in any manner and form as the Ombudsman shall prescribe and  
9 shall provide him or her with an autopsy report when available.

10 (730 ILCS 5/3-2.1-35 new)

11 Sec. 3-2.1-35. Obstructing an investigation by the  
12 Correctional Ombudsman.

13 (a) A person commits obstructing an investigation by the  
14 Correctional Ombudsman when, with intent to obstruct or impede  
15 an inquiry or investigation by the Correctional Ombudsman  
16 appointed under Section 3-2.1-10 of this Code, he or she  
17 knowingly destroys or knowingly fails to permit access to,  
18 examination of, or reproduction by the Office of the  
19 Correctional Ombudsman, of any book, account, bank account  
20 information, report, voucher, correspondence or correspondence  
21 file, computer file, computer data base, document, video or  
22 audio recording, statistic or performance based outcome  
23 measure, money, property, or any other record of the Department  
24 lawfully requested by the Correctional Ombudsman.

25 (b) Sentence. Obstructing an investigation by the

1 Correctional Ombudsman is a Class A misdemeanor.