



Rep. Rita Mayfield

Filed: 3/26/2019

10100HB2292ham001

LRB101 10346 SLF 56350 a

1 AMENDMENT TO HOUSE BILL 2292

2 AMENDMENT NO. _____. Amend House Bill 2292 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 adding Article 2.1 to Chapter III and by changing the heading
6 of Article 2.7 of Chapter III and Sections 3-2.7-1, 3-2.7-5,
7 3-2.7-10, 3-2.7-15, 3-2.7-20, 3-2.7-25, 3-2.7-30, 3-2.7-35,
8 3-2.7-40, 3-2.7-45, 3-2.7-50, and 3-2.7-55 as follows:

9 (730 ILCS 5/Art. Ch. III Art. 2.1 heading new)

10 ARTICLE 2.1. DEPARTMENT OF CORRECTIONS INDEPENDENT
11 OMBUDSPERSON

12 (730 ILCS 5/3-2.1-1 new)

13 Sec. 3-2.1-1. Short title. This Article may be cited as the
14 Department of Corrections Independent Office of the
15 Ombudsperson Law.

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

2 Sec. 3-2.1-3. Purpose. The purpose of this Article is to
3 create within the Department of Corrections an Independent
4 Office of the Ombudsperson for the purpose of providing people
5 living in State-run correctional facilities or living under the
6 requirements or mandatory supervised release or parole with a
7 non-adversarial process that will redress and prevent abuse,
8 neglect, violations of law, policy, or best practice at the
9 hands of employees or contractors of the Department.

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

11 Sec. 3-2.1-5. Definitions. In this Article, unless context
12 requires otherwise:

13 "Department" means the Department of Corrections.

14 "Immediate family or household member" means the spouse,
15 child, parent, brother, sister, grandparent, or grandchild,
16 whether of the whole blood or half blood or by adoption, or a
17 person who shares a common dwelling.

18 "Department of Corrections system" means all activities by
19 public or private agencies or persons pertaining to persons
20 involved in or having contact with the police, courts, or
21 corrections.

22 "Juvenile justice system" means all activities by public or
23 private agencies or persons pertaining to youth involved in or
24 having contact with the police, courts, or corrections.

1 "Office" means the Independent Office of the Corrections
2 Ombudsperson.

3 "Ombudsperson" means the director of the Independent
4 Office of the Corrections Ombudsperson.

5 "Person" means any person committed by court order to the
6 custody of the Department of Corrections, including people
7 released on mandatory supervised release or parole before final
8 discharge.

9 (730 ILCS 5/3-2.1-10 new)

10 Sec. 3-2.1-10. Appointment of Independent Corrections
11 Ombudsperson. The Governor shall appoint the Independent
12 Corrections Ombudsperson with the advice and consent of the
13 Senate for a term of 4 years, with the first term expiring
14 February 1, 2024. A person appointed as Ombudsperson may be
15 reappointed to one or more subsequent terms. A vacancy shall
16 occur upon resignation, death, or removal. The Ombudsperson may
17 only be removed by the Governor for incompetency, malfeasance,
18 neglect of duty, or conviction of a felony. If the Senate is
19 not in session or is in recess when an appointment subject to
20 its confirmation is made, the Governor shall make a temporary
21 appointment which shall be subject to subsequent Senate
22 approval. The Ombudsperson may employ deputies to perform,
23 under the direction of the Ombudsperson, the same duties and
24 exercise the same powers as the Ombudsperson, and may employ
25 other support staff as deemed necessary. The Ombudsperson and

1 deputies must:

2 (1) be over the age of 21 years;

3 (2) have a bachelor's or advanced degree from an accredited
4 college or university; and

5 (3) have relevant expertise in areas such as the criminal
6 justice system, investigations, or civil rights advocacy as
7 evidenced by experience in the field or by academic background.

8 (730 ILCS 5/3-2.1-15 new)

9 Sec. 3-2.1-15. Conflicts of interest. A person may not
10 serve as Ombudsperson or as a deputy if the person or the
11 person's immediate family or household member:

12 (1) is or has been employed by the Department of Juvenile
13 Justice or the Department of Corrections within 5 years prior
14 to appointment, other than as Ombudsperson or Deputy
15 Ombudsperson;

16 (2) participates in the management of a business entity or
17 other organization receiving funds from the Department of
18 Corrections;

19 (3) owns or controls, directly or indirectly, any interest
20 in a business entity or other organization receiving funds from
21 the Department of Corrections;

22 (4) uses or receives any amount of tangible goods,
23 services, or funds from the Department of Corrections, other
24 than as Ombudsperson or Deputy Ombudsperson; or

25 (5) is required to register as a lobbyist for an

1 organization that interacts with the juvenile justice or
2 Department of Corrections system.

3 (730 ILCS 5/3-2.1-20 new)

4 Sec. 3-2.1-20. Duties and powers.

5 (a) The Independent Corrections Ombudsperson shall
6 function independently within the Department of Corrections
7 with respect to the operations of the Office in performance of
8 his or her duties under this Article and shall report to the
9 Governor. The Ombudsperson shall adopt rules and standards as
10 may be necessary or desirable to carry out his or her duties.
11 Funding for the Office shall be 3% of the Department's budget
12 and designated separately within Department funds. The
13 Department shall provide necessary administrative services and
14 facilities to the Office of the Independent Corrections
15 Ombudsperson.

16 (b) The Office of Independent Corrections Ombudsperson
17 shall have the following duties:

18 (1) review and monitor the implementation of the rules
19 and standards established by the Department of Corrections
20 and evaluate the delivery of services;

21 (2) provide assistance to a person or family whom the
22 Ombudsperson determines is in need of assistance,
23 including advocating with an agency, provider, or other
24 person in the best interests of the person;

25 (2.5) develop and disseminate a process through which

1 people in State custody or their family members or
2 representatives can file and track complaints;

3 (3) review all complaints and investigate and attempt
4 to resolve complaints made by or on behalf of a person,
5 other than complaints alleging violations of the State
6 Officials and Employees Ethics Act and:

7 (A) a person committed to the Department of
8 Corrections or the person's family, support system, or
9 representative is in need of assistance from the
10 Office; or

11 (B) a systemic issue in the Department of
12 Corrections' provision of services is raised by a
13 complaint;

14 (4) review or inspect periodically the facilities and
15 procedures of any facility in which a person has been
16 placed by the Department of Corrections to ensure that each
17 person in State custody is treated fairly and with basic
18 respect, has access to appropriate programs, services, and
19 accommodations and is protected from any violations of law
20 or policy; and

21 (5) be accessible to and meet confidentially and
22 regularly with a person committed to the Department and
23 serve as a resource by informing them of pertinent laws,
24 rules, and policies, and their rights thereunder.

25 (c) The nature of all complaints and recommendations shall
26 be made available on the Ombudsperson website and reported

1 immediately to Director of Corrections, the General Assembly,
2 and the Governor.

3 (d) Notwithstanding any other provision of law, the
4 Ombudsperson may not investigate violations of the State
5 Officials and Employees Ethics Act. If the Ombudsperson
6 determines that a possible criminal act has been committed, or
7 that special expertise is required in the investigation, he or
8 she shall immediately notify the Department of State Police. If
9 the Ombudsperson determines that a possible violation of the
10 State Officials and Employees Ethics Act has occurred, he or
11 she shall immediately refer the incident to the Office of the
12 Governor's Executive Inspector General for investigation. All
13 investigations conducted by the Ombudsperson shall be
14 conducted in a manner designed to ensure the preservation of
15 evidence for possible use in a criminal prosecution.

16 (e) In performance of his or her duties, the Ombudsperson
17 may:

18 (1) review court files of persons in custody;

19 (2) recommend policies, rules, and legislation
20 designed to protect persons in custody;

21 (3) make appropriate referrals under any of the duties
22 and powers listed in this Section;

23 (4) attend internal administrative and disciplinary
24 hearings to ensure the rights of persons in custody are
25 fully observed and advocate for the best interest of those
26 persons when deemed necessary;

1 (5) request information related to an investigation
2 from any employee or officer of the State and to execute an
3 information sharing agreement;

4 (6) issue subpoenas to compel the attendance of
5 witnesses for purposes of examination and the production of
6 documents and other items for inspection or duplication;

7 (7) compel prompt statements from State employees or
8 contractors and reinterview State employees or contractors
9 as necessary; and

10 (8) perform other acts, otherwise permitted or
11 required by law, in furtherance of the purpose of the
12 Office.

13 (f) To assess if a person's rights have been violated, the
14 Ombudsperson may, in any matter that does not involve alleged
15 criminal behavior, contact or consult with an administrator,
16 employee, person, expert, or any other individual in the course
17 of his or her investigation or to secure information as
18 necessary to fulfill his or her duties.

19 (730 ILCS 5/3-2.1-25 new)

20 Sec. 3-2.1-25. Duties of the Department of Corrections.

21 (a) The Department of Corrections shall allow any person to
22 communicate with the Ombudsperson or a deputy at any time. The
23 communication:

24 (1) may be in person, by phone, by mail, or by any
25 other means deemed appropriate in light of security

1 concerns; and

2 (2) is confidential and privileged.

3 (b) The Department shall allow the Ombudsperson and
4 deputies full and unannounced access to persons and Department
5 facilities at any time. The Department shall furnish the
6 Ombudsperson and deputies with appropriate meeting space in
7 each facility in order to preserve confidentiality.

8 (c) The Department shall allow the Ombudsperson and
9 deputies to participate in professional development
10 opportunities provided by the Department of Juvenile Justice as
11 practical and to attend appropriate professional training when
12 requested by the Ombudsperson.

13 (d) The Department shall provide the Ombudsperson copies of
14 critical incident reports involving a person residing in a
15 facility operated by the Department. Critical incidents
16 include, but are not limited to, severe injuries that result in
17 hospitalization, suicide attempts that require medical
18 intervention, sexual abuse, and escapes.

19 (e) The Department shall provide the Ombudsperson with
20 reasonable advance notice of all internal administrative and
21 disciplinary hearings regarding a person residing in a facility
22 operated by the Department.

23 (f) The Department of Corrections may not discharge,
24 demote, discipline, or in any manner discriminate or retaliate
25 against a person or an employee who in good faith makes a
26 complaint to the Office of the Independent Corrections

1 Ombudsperson or cooperates with the Office.

2 (730 ILCS 5/3-2.1-30 new)

3 Sec. 3-2.1-30. Reports. The Independent Corrections
4 Ombudsperson shall provide to the General Assembly and the
5 Governor, no later than January 1 of each year, a summary of
6 activities done in furtherance of the purpose of the Office for
7 the prior fiscal year. The summaries shall contain data both
8 aggregated and disaggregated by individual facility and
9 describe:

10 (1) the work of the Ombudsperson;

11 (2) the status of any review or investigation undertaken by
12 the Ombudsperson, but may not contain any confidential or
13 identifying information concerning the subjects of the reports
14 and investigations; and

15 (3) any recommendations that the Independent Corrections
16 Ombudsperson has relating to a systemic issue in the Department
17 of Corrections' provision of services and any other matters for
18 consideration by the General Assembly and the Governor.

19 (730 ILCS 5/3-2.1-35 new)

20 Sec. 3-2.1-35. Complaints. The Office of Independent
21 Corrections Ombudsperson shall promptly and efficiently act on
22 complaints made by or on behalf of person filed with the Office
23 that relate to the operations or staff of the Department of
24 Corrections. The Office shall maintain information about

1 parties to the complaint, the subject matter of the complaint,
2 a summary of the results of the review or investigation of the
3 complaint, including any resolution of or recommendations made
4 as a result of the complaint. The Office shall make information
5 available describing its procedures for complaint
6 investigation and resolution. When applicable, the Office
7 shall notify the complaining person that an investigation and
8 resolution may result in or will require disclosure of the
9 complaining person's identity. The Office shall periodically
10 notify the parties who filed the complaint of the status of the
11 complaint until final disposition.

12 (730 ILCS 5/3-2.1-40 new)

13 Sec. 3-2.1-40. Confidentiality. The name, address, or
14 other personally identifiable information of a person who files
15 a complaint with the Office, information generated by the
16 Office related to a complaint or other activities of the
17 Office, and confidential records obtained by the Office are not
18 subject to disclosure under the Freedom of Information Act. The
19 Office shall disclose the records only if required by court
20 order on a showing of good cause.

21 (730 ILCS 5/3-2.1-45 new)

22 Sec. 3-2.1-45. Promotion and awareness of Office. The
23 Independent Corrections Ombudsperson shall promote awareness
24 among the public and persons of:

- 1 (1) the rights of persons committed to the Department;
- 2 (2) the purpose of the Office;
- 3 (3) how the Office may be contacted;
- 4 (4) the confidential nature of communications; and
- 5 (5) the services the Office provides.

6 (730 ILCS 5/3-2.1-50 new)

7 Sec. 3-2.1-50. Access to information of governmental
8 entities. The Department of Corrections shall provide the
9 Independent Corrections Ombudsperson unrestricted access to
10 all master record files of persons under Section 3-5-1 of this
11 Code. Access to educational, social, psychological, mental
12 health, substance abuse, and medical records shall not be
13 disclosed except as provided in Section 5-910 of the Juvenile
14 Court Act of 1987, the Mental Health and Developmental
15 Disabilities Confidentiality Act, the School Code, and any
16 applicable federal laws that govern access to those records.

17 (730 ILCS 5/Ch. III Art. 2.7 heading)

18 ARTICLE 2.7. DEPARTMENT OF JUVENILE JUSTICE
19 INDEPENDENT JUVENILE OMBUDSPERSON ~~OMBUDSMAN~~

20 (Source: P.A. 98-1032, eff. 8-25-14.)

21 (730 ILCS 5/3-2.7-1)

22 Sec. 3-2.7-1. Short title. This Article may be cited as the
23 Department of Juvenile Justice Independent Juvenile

1 Ombudsperson ~~Ombudsman~~ Law.

2 (Source: P.A. 98-1032, eff. 8-25-14.)

3 (730 ILCS 5/3-2.7-5)

4 Sec. 3-2.7-5. Purpose. The purpose of this Article is to
5 create within the Department of Juvenile Justice the Office of
6 Independent Juvenile Ombudsperson ~~Ombudsman~~ for the purpose of
7 providing youth living in State-run correctional facilities or
8 aftercare with a non-adversarial process that will redress and
9 prevent abuse, neglect, violations of law, policy, or best
10 practice at the hands of State employees or contractors
11 ~~securing the rights of youth committed to the Department of~~
12 ~~Juvenile Justice, including youth released on aftercare before~~
13 ~~final discharge.~~

14 (Source: P.A. 98-1032, eff. 8-25-14.)

15 (730 ILCS 5/3-2.7-10)

16 Sec. 3-2.7-10. Definitions. In this Article, unless the
17 context requires otherwise:

18 "Department" means the Department of Juvenile Justice.

19 "Immediate family or household member" means the spouse,
20 child, parent, brother, sister, grandparent, or grandchild,
21 whether of the whole blood or half blood or by adoption, or a
22 person who shares a common dwelling.

23 "Juvenile justice system" means all activities by public or
24 private agencies or persons pertaining to youth involved in or

1 having contact with the police, courts, or corrections.

2 "Office" means the Office of the Independent Juvenile
3 Ombudsperson ~~Ombudsman~~.

4 "Ombudsperson ~~Ombudsman~~" means the Department of Juvenile
5 Justice Independent Juvenile Ombudsperson ~~Ombudsman~~.

6 "Youth" means any person committed by court order to the
7 custody of the Department of Juvenile Justice, including youth
8 released on aftercare before final discharge.

9 (Source: P.A. 98-1032, eff. 8-25-14.)

10 (730 ILCS 5/3-2.7-15)

11 Sec. 3-2.7-15. Appointment of Independent Juvenile
12 Ombudsperson ~~Ombudsman~~. The Governor shall appoint the
13 Independent Juvenile Ombudsperson ~~Ombudsman~~ with the advice
14 and consent of the Senate for a term of 4 years, with the first
15 term expiring February 1, 2017. A person appointed as
16 Ombudsperson ~~Ombudsman~~ may be reappointed to one or more
17 subsequent terms. A vacancy shall occur upon resignation,
18 death, or removal. The Ombudsperson ~~Ombudsman~~ may only be
19 removed by the Governor for incompetency, malfeasance, neglect
20 of duty, or conviction of a felony. If the Senate is not in
21 session or is in recess when an appointment subject to its
22 confirmation is made, the Governor shall make a temporary
23 appointment which shall be subject to subsequent Senate
24 approval. The Ombudsperson ~~Ombudsman~~ may employ deputies to
25 perform, under the direction of the Ombudsperson ~~Ombudsman~~, the

1 same duties and exercise the same powers as the Ombudsperson
2 ~~Ombudsman~~, and may employ other support staff as deemed
3 necessary. The Ombudsperson ~~Ombudsman~~ and deputies must:

4 (1) be over the age of 21 years;

5 (2) have a bachelor's or advanced degree from an
6 accredited college or university; and

7 (3) have relevant expertise in areas such as the
8 juvenile justice system, investigations, or civil rights
9 advocacy as evidenced by experience in the field or by
10 academic background.

11 (Source: P.A. 98-1032, eff. 8-25-14.)

12 (730 ILCS 5/3-2.7-20)

13 Sec. 3-2.7-20. Conflicts of interest. A person may not
14 serve as Ombudsperson ~~Ombudsman~~ or as a deputy if the person or
15 the person's immediate family or household member:

16 (1) is or has been employed by the Department of
17 Juvenile Justice or Department of Corrections within 5
18 years ~~one year~~ prior to appointment, other than as
19 Ombudsperson ~~Ombudsman~~ or Deputy Ombudsperson ~~Ombudsman~~;

20 (2) participates in the management of a business entity
21 or other organization receiving funds from the Department
22 of Juvenile Justice;

23 (3) owns or controls, directly or indirectly, any
24 interest in a business entity or other organization
25 receiving funds from the Department of Juvenile Justice;

1 (4) uses or receives any amount of tangible goods,
2 services, or funds from the Department of Juvenile Justice,
3 other than as Ombudsperson ~~Ombudsman~~ or Deputy
4 Ombudsperson ~~Ombudsman~~; or

5 (5) is required to register as a lobbyist for an
6 organization that interacts with the juvenile justice
7 system.

8 (Source: P.A. 98-1032, eff. 8-25-14.)

9 (730 ILCS 5/3-2.7-25)

10 Sec. 3-2.7-25. Duties and powers.

11 (a) The Independent Juvenile Ombudsperson ~~Ombudsman~~ shall
12 function independently within the Department of Juvenile
13 Justice with respect to the operations of the Office in
14 performance of his or her duties under this Article and shall
15 report to the Governor. The Ombudsperson ~~Ombudsman~~ shall adopt
16 rules and standards as may be necessary or desirable to carry
17 out his or her duties. Funding for the Office shall be 3% of
18 the Department's budget and designated separately within
19 Department funds. The Department shall provide necessary
20 administrative services and facilities to the Office of the
21 Independent Juvenile Ombudsperson ~~Ombudsman~~.

22 (b) The Office of Independent Juvenile Ombudsperson
23 ~~Ombudsman~~ shall have the following duties:

24 (1) review and monitor the implementation of the rules
25 and standards established by the Department of Juvenile

1 Justice and evaluate the delivery of services ~~to youth to~~
2 ~~ensure that the rights of youth are fully observed;~~

3 (2) provide assistance to a youth or family whom the
4 Ombudsperson ~~Ombudsman~~ determines is in need of
5 assistance, including advocating with an agency, provider,
6 or other person in the best interests of the youth;

7 (2.5) develop and disseminate a process through which
8 people in State custody or their family members or
9 representatives can file and track complaints;

10 (3) investigate and attempt to resolve complaints made
11 by or on behalf of youth, other than complaints alleging
12 ~~criminal behavior or~~ violations of the State Officials and
13 Employees Ethics Act, ~~if the Office determines that the~~
14 ~~investigation and resolution would further the purpose of~~
15 ~~the Office,~~ and:

16 (A) a youth committed to the Department of Juvenile
17 Justice or the youth's family, support system, or
18 representative is in need of assistance from the
19 Office; or

20 (B) a systemic issue in the Department of Juvenile
21 Justice's provision of services is raised by a
22 complaint;

23 (4) review or inspect periodically the facilities and
24 procedures of any facility in which a youth has been placed
25 by the Department of Juvenile Justice to ensure that each
26 person in State custody is treated fairly and with basic

1 respect, has access to appropriate programs, services, and
2 accommodations and is protected from any violations of law
3 or policy ~~the rights of youth are fully observed;~~ and

4 (5) be accessible to and meet confidentially and
5 regularly with youth committed to the Department and serve
6 as a resource by informing them of pertinent laws, rules,
7 and policies, and their rights thereunder.

8 (c) The nature of all complaints and recommendations
9 ~~following cases~~ shall be made available on the Ombudsperson
10 website and reported immediately to the Director of Juvenile
11 Justice, General Assembly, and the Governor. ÷

12 ~~(1) cases of severe abuse or injury of a youth;~~

13 ~~(2) serious misconduct, misfeasance, malfeasance, or~~
14 ~~serious violations of policies and procedures concerning~~
15 ~~the administration of a Department of Juvenile Justice~~
16 ~~program or operation;~~

17 ~~(3) serious problems concerning the delivery of~~
18 ~~services in a facility operated by or under contract with~~
19 ~~the Department of Juvenile Justice;~~

20 ~~(4) interference by the Department of Juvenile Justice~~
21 ~~with an investigation conducted by the Office; and~~

22 ~~(5) other cases as deemed necessary by the Ombudsman.~~

23 (d) Notwithstanding any other provision of law, the
24 Ombudsperson ~~Ombudsman~~ may not investigate ~~alleged criminal~~
25 ~~behavior or~~ violations of the State Officials and Employees
26 Ethics Act. If the Ombudsperson ~~Ombudsman~~ determines that a

1 possible criminal act has been committed, or that special
2 expertise is required in the investigation, he or she shall
3 immediately notify the Department of State Police. If the
4 Ombudsperson ~~Ombudsman~~ determines that a possible violation of
5 the State Officials and Employees Ethics Act has occurred, he
6 or she shall immediately refer the incident to the Office of
7 the Governor's Executive Inspector General for investigation.
8 If the Ombudsperson ~~Ombudsman~~ receives a complaint from a youth
9 or third party regarding suspected abuse or neglect of a child,
10 the Ombudsperson ~~Ombudsman~~ shall refer the incident to the
11 Child Abuse and Neglect Hotline or to the State Police as
12 mandated by the Abused and Neglected Child Reporting Act. Any
13 investigation conducted by the Ombudsperson ~~Ombudsman~~ shall
14 not be duplicative and shall be separate from any investigation
15 mandated by the Abused and Neglected Child Reporting Act. All
16 investigations conducted by the Ombudsperson ~~Ombudsman~~ shall
17 be conducted in a manner designed to ensure the preservation of
18 evidence for possible use in a criminal prosecution.

19 (e) In performance of his or her duties, the Ombudsperson
20 ~~Ombudsman~~ may:

- 21 (1) review court files of youth;
- 22 (2) recommend policies, rules, and legislation
23 designed to protect youth;
- 24 (3) make appropriate referrals under any of the duties
25 and powers listed in this Section;
- 26 (4) attend internal administrative and disciplinary

1 hearings to ensure the rights of youth are fully observed
2 and advocate for the best interest of youth when deemed
3 necessary; ~~and~~

4 (5) perform other acts, otherwise permitted or
5 required by law, in furtherance of the purpose of the
6 Office; ~~+~~

7 (6) request information related to an investigation
8 from any employee or officer of the State and to execute an
9 information sharing agreement;

10 (7) issue subpoenas to compel the attendance of
11 witnesses for purposes of examination and the production of
12 documents and other items for inspection or duplication;
13 and

14 (8) compel prompt statements from State employees or
15 contractors and reinterview State employees or contractors
16 as necessary.

17 (f) To assess if a youth's rights have been violated, the
18 Ombudsperson ~~Ombudsman~~ may, in any matter that does not involve
19 alleged criminal behavior, contact or consult with an
20 administrator, employee, youth, parent, expert, or any other
21 individual in the course of his or her investigation or to
22 secure information as necessary to fulfill his or her duties.

23 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

24 (730 ILCS 5/3-2.7-30)

25 Sec. 3-2.7-30. Duties of the Department of Juvenile

1 Justice.

2 (a) The Department of Juvenile Justice shall allow any
3 youth to communicate with the Ombudsperson ~~Ombudsman~~ or a
4 deputy at any time. The communication:

5 (1) may be in person, by phone, by mail, or by any
6 other means deemed appropriate in light of security
7 concerns; and

8 (2) is confidential and privileged.

9 (b) The Department shall allow the Ombudsperson ~~Ombudsman~~
10 and deputies full and unannounced access to youth and
11 Department facilities at any time. The Department shall furnish
12 the Ombudsperson ~~Ombudsman~~ and deputies with appropriate
13 meeting space in each facility in order to preserve
14 confidentiality.

15 (c) The Department shall allow the Ombudsperson ~~Ombudsman~~
16 and deputies to participate in professional development
17 opportunities provided by the Department of Juvenile Justice as
18 practical and to attend appropriate professional training when
19 requested by the Ombudsperson ~~Ombudsman~~.

20 (d) The Department shall provide the Ombudsperson
21 ~~Ombudsman~~ copies of critical incident reports involving a youth
22 residing in a facility operated by the Department. Critical
23 incidents include, but are not limited to, severe injuries that
24 result in hospitalization, suicide attempts that require
25 medical intervention, sexual abuse, and escapes.

26 (e) The Department shall provide the Ombudsperson

1 ~~Ombudsman~~ with reasonable advance notice of all internal
2 administrative and disciplinary hearings regarding a youth
3 residing in a facility operated by the Department.

4 (f) The Department of Juvenile Justice may not discharge,
5 demote, discipline, or in any manner discriminate or retaliate
6 against a youth or an employee who in good faith makes a
7 complaint to the Office of the Independent Juvenile
8 Ombudsperson ~~Ombudsman~~ or cooperates with the Office.

9 (Source: P.A. 98-1032, eff. 8-25-14.)

10 (730 ILCS 5/3-2.7-35)

11 Sec. 3-2.7-35. Reports. The Independent Juvenile
12 Ombudsperson ~~Ombudsman~~ shall provide to the General Assembly
13 and the Governor, no later than January 1 of each year, a
14 summary of activities done in furtherance of the purpose of the
15 Office for the prior fiscal year. The summaries shall contain
16 data both aggregated and disaggregated by individual facility
17 and describe:

18 (1) the work of the Ombudsperson ~~Ombudsman~~;

19 (2) the status of any review or investigation
20 undertaken by the Ombudsperson ~~Ombudsman~~, but may not
21 contain any confidential or identifying information
22 concerning the subjects of the reports and investigations;
23 and

24 (3) any recommendations that the Independent Juvenile
25 Ombudsperson ~~Ombudsman~~ has relating to a systemic issue in

1 the Department of Juvenile Justice's provision of services
2 and any other matters for consideration by the General
3 Assembly and the Governor.

4 (Source: P.A. 98-1032, eff. 8-25-14.)

5 (730 ILCS 5/3-2.7-40)

6 Sec. 3-2.7-40. Complaints. The Office of Independent
7 Juvenile Ombudsperson ~~Ombudsman~~ shall promptly and efficiently
8 act on complaints made by or on behalf of youth filed with the
9 Office that relate to the operations or staff of the Department
10 of Juvenile Justice. The Office shall maintain information
11 about parties to the complaint, the subject matter of the
12 complaint, a summary of the results of the review or
13 investigation of the complaint, including any resolution of or
14 recommendations made as a result of the complaint. The Office
15 shall make information available describing its procedures for
16 complaint investigation and resolution. When applicable, the
17 Office shall notify the complaining youth that an investigation
18 and resolution may result in or will require disclosure of the
19 complaining youth's identity. The Office shall periodically
20 notify the complaint parties of the status of the complaint
21 until final disposition.

22 (Source: P.A. 98-1032, eff. 8-25-14.)

23 (730 ILCS 5/3-2.7-50)

24 Sec. 3-2.7-50. Promotion and awareness of Office. The

1 Independent Juvenile Ombudsperson ~~Ombudsman~~ shall promote
2 awareness among the public and youth of:

3 (1) the rights of youth committed to the Department;

4 (2) the purpose of the Office;

5 (3) how the Office may be contacted;

6 (4) the confidential nature of communications; and

7 (5) the services the Office provides.

8 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

9 (730 ILCS 5/3-2.7-55)

10 Sec. 3-2.7-55. Access to information of governmental
11 entities. The Department of Juvenile Justice shall provide the
12 Independent Juvenile Ombudsperson ~~Ombudsman~~ unrestricted
13 access to all master record files of youth under Section 3-5-1
14 of this Code. Access to educational, social, psychological,
15 mental health, substance abuse, and medical records shall not
16 be disclosed except as provided in Section 5-910 of the
17 Juvenile Court Act of 1987, the Mental Health and Developmental
18 Disabilities Confidentiality Act, the School Code, and any
19 applicable federal laws that govern access to those records.

20 (Source: P.A. 98-1032, eff. 8-25-14.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."