

HB3085



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3085

by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-1-2	from Ch. 38, par. 1003-1-2
730 ILCS 5/3-2-7	from Ch. 38, par. 1003-2-7
730 ILCS 5/3-2.5-15	

Amends the Unified Code of Corrections. Provides that the Department of Corrections and the Department of Juvenile Justice shall require their correctional officers to undergo mental health screenings and tests and shall develop rules to monitor and track their interaction with committed persons and to provide for discharge or other assignments for officers who are mentally unable to interact with committed persons. Defines "correctional officer".

LRB101 10040 RLC 55142 b

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 changing Sections 3-1-2, 3-2-7, and 3-2.5-15 as follows:

6 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)
7 Sec. 3-1-2. Definitions.

8 (a) "Chief Administrative Officer" means the person
9 designated by the Director to exercise the powers and duties of
10 the Department of Corrections in regard to committed persons
11 within a correctional institution or facility, and includes the
12 superintendent of any juvenile institution or facility.

13 (a-3) "Aftercare release" means the conditional and
14 revocable release of a person committed to the Department of
15 Juvenile Justice under the Juvenile Court Act of 1987, under
16 the supervision of the Department of Juvenile Justice.

17 (a-5) "Sex offense" for the purposes of paragraph (16) of
18 subsection (a) of Section 3-3-7, paragraph (10) of subsection
19 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
20 Section 5-6-3.1 only means:

21 (i) A violation of any of the following Sections of the
22 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
23 (aiding or abetting child abduction under Section

1 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
2 solicitation of a child), 11-6.5 (indecent solicitation of
3 an adult), 11-14.4 (promoting juvenile prostitution),
4 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
5 (keeping a place of juvenile prostitution), 11-18.1
6 (patronizing a juvenile prostitute), 11-19.1 (juvenile
7 pimping), 11-19.2 (exploitation of a child), 11-20.1
8 (child pornography), 11-20.1B or 11-20.3 (aggravated child
9 pornography), 11-1.40 or 12-14.1 (predatory criminal
10 sexual assault of a child), or 12-33 (ritualized abuse of a
11 child). An attempt to commit any of these offenses.

12 (ii) A violation of any of the following Sections of
13 the Criminal Code of 1961 or the Criminal Code of 2012:
14 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
15 12-14 (aggravated criminal sexual assault), 11-1.60 or
16 12-16 (aggravated criminal sexual abuse), and subsection
17 (a) of Section 11-1.50 or subsection (a) of Section 12-15
18 (criminal sexual abuse). An attempt to commit any of these
19 offenses.

20 (iii) A violation of any of the following Sections of
21 the Criminal Code of 1961 or the Criminal Code of 2012 when
22 the defendant is not a parent of the victim:

23 10-1 (kidnapping),

24 10-2 (aggravated kidnapping),

25 10-3 (unlawful restraint),

26 10-3.1 (aggravated unlawful restraint).

1 An attempt to commit any of these offenses.

2 (iv) A violation of any former law of this State
3 substantially equivalent to any offense listed in this
4 subsection (a-5).

5 An offense violating federal law or the law of another
6 state that is substantially equivalent to any offense listed in
7 this subsection (a-5) shall constitute a sex offense for the
8 purpose of this subsection (a-5). A finding or adjudication as
9 a sexually dangerous person under any federal law or law of
10 another state that is substantially equivalent to the Sexually
11 Dangerous Persons Act shall constitute an adjudication for a
12 sex offense for the purposes of this subsection (a-5).

13 (b) "Commitment" means a judicially determined placement
14 in the custody of the Department of Corrections on the basis of
15 delinquency or conviction.

16 (c) "Committed person" is a person committed to the
17 Department, however a committed person shall not be considered
18 to be an employee of the Department of Corrections for any
19 purpose, including eligibility for a pension, benefits, or any
20 other compensation or rights or privileges which may be
21 provided to employees of the Department.

22 (c-5) "Computer scrub software" means any third-party
23 added software, designed to delete information from the
24 computer unit, the hard drive, or other software, which would
25 eliminate and prevent discovery of browser activity, including
26 but not limited to Internet history, address bar or bars, cache

1 or caches, and/or cookies, and which would over-write files in
2 a way so as to make previous computer activity, including but
3 not limited to website access, more difficult to discover.

4 (c-10) "Content-controlled tablet" means any device that
5 can only access visitation applications or content relating to
6 educational or personal development.

7 (d) "Correctional institution or facility" means any
8 building or part of a building where committed persons are kept
9 in a secured manner.

10 (d-5) "Correctional officer" means an employee of the
11 Department of Corrections or the Department of Juvenile Justice
12 who has custody and control over committed persons in an adult
13 or juvenile correctional facility.

14 (e) "Department" means both the Department of Corrections
15 and the Department of Juvenile Justice of this State, unless
16 the context is specific to either the Department of Corrections
17 or the Department of Juvenile Justice.

18 (f) "Director" means both the Director of Corrections and
19 the Director of Juvenile Justice, unless the context is
20 specific to either the Director of Corrections or the Director
21 of Juvenile Justice.

22 (f-5) (Blank).

23 (g) "Discharge" means the final termination of a commitment
24 to the Department of Corrections.

25 (h) "Discipline" means the rules and regulations for the
26 maintenance of order and the protection of persons and property

1 within the institutions and facilities of the Department and
2 their enforcement.

3 (i) "Escape" means the intentional and unauthorized
4 absence of a committed person from the custody of the
5 Department.

6 (j) "Furlough" means an authorized leave of absence from
7 the Department of Corrections for a designated purpose and
8 period of time.

9 (k) "Parole" means the conditional and revocable release of
10 a person committed to the Department of Corrections under the
11 supervision of a parole officer.

12 (l) "Prisoner Review Board" means the Board established in
13 Section 3-3-1(a), independent of the Department, to review
14 rules and regulations with respect to good time credits, to
15 hear charges brought by the Department against certain
16 prisoners alleged to have violated Department rules with
17 respect to good time credits, to set release dates for certain
18 prisoners sentenced under the law in effect prior to the
19 effective date of this Amendatory Act of 1977, to hear and
20 decide the time of aftercare release for persons committed to
21 the Department of Juvenile Justice under the Juvenile Court Act
22 of 1987 to hear requests and make recommendations to the
23 Governor with respect to pardon, reprieve or commutation, to
24 set conditions for parole, aftercare release, and mandatory
25 supervised release and determine whether violations of those
26 conditions justify revocation of parole or release, and to

1 assume all other functions previously exercised by the Illinois
2 Parole and Pardon Board.

3 (m) Whenever medical treatment, service, counseling, or
4 care is referred to in this Unified Code of Corrections, such
5 term may be construed by the Department or Court, within its
6 discretion, to include treatment, service or counseling by a
7 Christian Science practitioner or nursing care appropriate
8 therewith whenever request therefor is made by a person subject
9 to the provisions of this Act.

10 (n) "Victim" shall have the meaning ascribed to it in
11 subsection (a) of Section 3 of the Bill of Rights for Victims
12 and Witnesses of Violent Crime Act.

13 (o) "Wrongfully imprisoned person" means a person who has
14 been discharged from a prison of this State and has received:

15 (1) a pardon from the Governor stating that such pardon
16 is issued on the ground of innocence of the crime for which
17 he or she was imprisoned; or

18 (2) a certificate of innocence from the Circuit Court
19 as provided in Section 2-702 of the Code of Civil
20 Procedure.

21 (Source: P.A. 100-198, eff. 1-1-18.)

22 (730 ILCS 5/3-2-7) (from Ch. 38, par. 1003-2-7)
23 Sec. 3-2-7. Staff Training and Development.

24 (a) The Department shall train its own personnel and any
25 personnel from local agencies by agreements under Section

1 3-15-2.

2 (b) To develop and train its personnel, the Department may
3 make grants in aid for academic study and training in fields
4 related to corrections. The Department shall establish rules
5 for the conditions and amounts of such grants. The Department
6 may employ any person during his program of studies and may
7 require the person to work for it on completion of his program
8 according to the agreement entered into between the person
9 receiving the grant and the Department.

10 (c) The Department shall require its correctional officers
11 to undergo mental health screenings and tests and shall develop
12 rules to monitor and track their interaction with committed
13 persons and to provide for discharge or other assignments for
14 officers who are mentally unable to interact with committed
15 persons.

16 (Source: P.A. 77-2097.)

17 (730 ILCS 5/3-2.5-15)

18 Sec. 3-2.5-15. Department of Juvenile Justice; assumption
19 of duties of the Juvenile Division.

20 (a) The Department of Juvenile Justice shall assume the
21 rights, powers, duties, and responsibilities of the Juvenile
22 Division of the Department of Corrections. Personnel, books,
23 records, property, and unencumbered appropriations pertaining
24 to the Juvenile Division of the Department of Corrections shall
25 be transferred to the Department of Juvenile Justice on the

1 effective date of this amendatory Act of the 94th General
2 Assembly. Any rights of employees or the State under the
3 Personnel Code or any other contract or plan shall be
4 unaffected by this transfer.

5 (b) Department of Juvenile Justice personnel who are hired
6 by the Department on or after the effective date of this
7 amendatory Act of the 94th General Assembly and who participate
8 or assist in the rehabilitative and vocational training of
9 delinquent youths, supervise the daily activities involving
10 direct and continuing responsibility for the youth's security,
11 welfare and development, or participate in the personal
12 rehabilitation of delinquent youth by training, supervising,
13 and assisting lower level personnel who perform these duties
14 must be over the age of 21 and have any bachelor's or advanced
15 degree from an accredited college or university. This
16 requirement shall not apply to security, clerical, food
17 service, and maintenance staff that do not have direct and
18 regular contact with youth. The degree requirements specified
19 in this subsection (b) are not required of persons who provide
20 vocational training and who have adequate knowledge in the
21 skill for which they are providing the vocational training.

22 (c) Subsection (b) of this Section does not apply to
23 personnel transferred to the Department of Juvenile Justice on
24 the effective date of this amendatory Act of the 94th General
25 Assembly.

26 (d) The Department shall be under the direction of the

1 Director of Juvenile Justice as provided in this Code.

2 (e) The Director shall organize divisions within the
3 Department and shall assign functions, powers, duties, and
4 personnel as required by law. The Director may create other
5 divisions and may assign other functions, powers, duties, and
6 personnel as may be necessary or desirable to carry out the
7 functions and responsibilities vested by law in the Department.
8 The Director may, with the approval of the Office of the
9 Governor, assign to and share functions, powers, duties, and
10 personnel with other State agencies such that administrative
11 services and administrative facilities are provided by a shared
12 administrative service center. Where possible, shared services
13 which impact youth should be done with child-serving agencies.
14 These administrative services may include, but are not limited
15 to, all of the following functions: budgeting, accounting
16 related functions, auditing, human resources, legal,
17 procurement, training, data collection and analysis,
18 information technology, internal investigations, intelligence,
19 legislative services, emergency response capability, statewide
20 transportation services, and general office support.

21 (f) The Department of Juvenile Justice may enter into
22 intergovernmental cooperation agreements under which minors
23 adjudicated delinquent and committed to the Department of
24 Juvenile Justice may participate in county juvenile impact
25 incarceration programs established under Section 3-6039 of the
26 Counties Code.

1 (g) The Department of Juvenile Justice must comply with the
2 ethnic and racial background data collection procedures
3 provided in Section 4.5 of the Criminal Identification Act.

4 (h) The Department shall require its correctional officers
5 to undergo mental health screenings and tests and shall develop
6 rules to monitor and track their interaction with committed
7 persons and to provide for discharge or other assignments for
8 officers who are mentally unable to interact with committed
9 persons.

10 (Source: P.A. 100-19, eff. 1-1-18.)