



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3738

Introduced 2/22/2021, by Rep. Suzanne Ness

SYNOPSIS AS INTRODUCED:

New Act

Creates the End Youth Solitary Confinement Act. Provides that the use of room confinement of a person under 21 years of age at a juvenile or correctional facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the juvenile, is prohibited. Provides that if a covered juvenile poses a serious and immediate risk of physical harm to any individual, including the juvenile, before a staff member of the facility places a covered juvenile in room confinement, the staff member shall attempt to use other less restrictive options, unless attempting those options poses a threat to the safety or security of any minor or staff. Establishes procedures for placing a covered juvenile in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others. Provides that each facility detaining covered juveniles shall report the use of each incident of room confinement to the Attorney General each month. Defines "covered juvenile".

LRB102 13059 KMF 18402 b

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 1. Short title. This Act may be cited as the End
5 Youth Solitary Confinement Act.

6 Section 5. Purpose. The purpose of this Act is to end the
7 use of solitary confinement for young detainees in prisons,
8 jails, and other detention centers for any purpose other than
9 preventing immediate physical harm.

10 Section 10. Covered juvenile confinement

11 (a) In this Act, "covered juvenile" means any person under
12 21 years of age incarcerated in a correctional facility, jail,
13 or detention facility of any kind operated by the Department
14 of Corrections, the Department of Juvenile Justice, a county,
15 or a municipality.

16 (b) The use of room confinement at a juvenile or
17 correctional facility for discipline, punishment, retaliation,
18 or any reason other than as a temporary response to a
19 juvenile's behavior that poses a serious and immediate risk of
20 physical harm to any individual, including the juvenile, is
21 prohibited.

22 (c) If a covered juvenile poses a serious and immediate

1 risk of physical harm to any individual, including the
2 juvenile, before a staff member of the facility places a
3 covered juvenile in room confinement, the staff member shall
4 attempt to use other less restrictive options, unless
5 attempting those options poses a threat to the safety or
6 security of any minor or staff.

7 (d) If a covered juvenile is placed in room confinement
8 because the covered juvenile poses a serious and immediate
9 risk of physical harm to himself or herself, or to others, the
10 covered juvenile shall be released:

11 (1) immediately when the covered juvenile has
12 sufficiently gained control so as to no longer engage in
13 behavior that threatens serious and immediate risk of
14 physical harm to himself or herself, or to others; or

15 (2) no more than 24 hours after being placed in room
16 confinement if a covered juvenile does not sufficiently
17 gain control as described in paragraph (1) of this
18 subsection (d) and poses a serious and immediate risk of
19 physical harm to himself or herself or others, not later
20 than:

21 (A) 3 hours after being placed in room
22 confinement, in the case of a covered juvenile who
23 poses a serious and immediate risk of physical harm to
24 others; or

25 (B) 30 minutes after being placed in room
26 confinement, in the case of a covered juvenile who

1 poses a serious and immediate risk of physical harm
2 only to himself or herself.

3 (e) If, after the applicable maximum period of confinement
4 has expired, a covered juvenile continues to pose a serious
5 and immediate risk of physical harm to others:

6 (1) the covered juvenile shall be transferred to
7 another juvenile facility or internal location where
8 services can be provided to the covered juvenile without
9 relying on room confinement; or

10 (2) if a qualified mental health professional believes
11 the level of crisis service needed is not currently
12 available, a staff member of the facility shall initiate a
13 referral to a location that can meet the needs of the
14 covered juvenile.

15 (f) Each facility detaining covered juveniles shall report
16 the use of each incident of room confinement to the Attorney
17 General each month, including:

18 (1) the name of the covered juvenile;

19 (2) demographic data, including, at a minimum, age,
20 race, gender, and primary language;

21 (3) the reason for room confinement, including how
22 detention facility officials determined the covered
23 juvenile posed an immediate risk of physical harm to
24 others or to him or herself;

25 (4) the length of room confinement;

26 (5) the number of covered juveniles transferred to

1 another facility or referral to a separate crisis location
2 covered under subsection (e); and

3 (6) the name of detention facility officials involved
4 in each instance of room confinement.

5 (g) The Attorney General shall be empowered to review and
6 enforce detention facility's adherence to this Section.