



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3895

Introduced 2/22/2021, 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".

LRB102 14874 KMF 20227 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  
10 of the Department of Corrections in regard to committed  
11 persons within a correctional institution or facility, and  
12 includes the superintendent of any juvenile institution or  
13 facility.

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

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

22 (i) A violation of any of the following Sections of  
23 the Criminal Code of 1961 or the Criminal Code of 2012:

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

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

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

24 10-1 (kidnapping),

25 10-2 (aggravated kidnapping),

26 10-3 (unlawful restraint),

1           10-3.1 (aggravated unlawful restraint).

2           An attempt to commit any of these offenses.

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

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

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

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

24          (c-5) "Computer scrub software" means any third-party  
25          added software, designed to delete information from the  
26          computer unit, the hard drive, or other software, which would

1 eliminate and prevent discovery of browser activity,  
2 including, but not limited to, Internet history, address bar  
3 or bars, cache or caches, and/or cookies, and which would  
4 over-write files in a way so as to make previous computer  
5 activity, including, but not limited to, website access, more  
6 difficult to discover.

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

10 (d) "Correctional institution or facility" means any  
11 building or part of a building where committed persons are  
12 kept in a secured manner.

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

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

21 (f) "Director" means both the Director of Corrections and  
22 the Director of Juvenile Justice, unless the context is  
23 specific to either the Director of Corrections or the Director  
24 of Juvenile Justice.

25 (f-5) (Blank).

26 (g) "Discharge" means the final termination of a

1 commitment to the Department of Corrections.

2 (h) "Discipline" means the rules and regulations for the  
3 maintenance of order and the protection of persons and  
4 property within the institutions and facilities of the  
5 Department and their enforcement.

6 (i) "Escape" means the intentional and unauthorized  
7 absence of a committed person from the custody of the  
8 Department.

9 (j) "Furlough" means an authorized leave of absence from  
10 the Department of Corrections for a designated purpose and  
11 period of time.

12 (k) "Parole" means the conditional and revocable release  
13 of a person committed to the Department of Corrections under  
14 the supervision of a parole officer.

15 (l) "Prisoner Review Board" means the Board established in  
16 Section 3-3-1(a), independent of the Department, to review  
17 rules and regulations with respect to good time credits, to  
18 hear charges brought by the Department against certain  
19 prisoners alleged to have violated Department rules with  
20 respect to good time credits, to set release dates for certain  
21 prisoners sentenced under the law in effect prior to February  
22 1, 1978 (the effective date of Public Act 80-1099) ~~this~~  
23 ~~Amendatory Act of 1977~~, to hear and decide the time of  
24 aftercare release for persons committed to the Department of  
25 Juvenile Justice under the Juvenile Court Act of 1987 to hear  
26 requests and make recommendations to the Governor with respect

1 to pardon, reprieve or commutation, to set conditions for  
2 parole, aftercare release, and mandatory supervised release  
3 and determine whether violations of those conditions justify  
4 revocation of parole or release, and to assume all other  
5 functions previously exercised by the Illinois Parole and  
6 Pardon Board.

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

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

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

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

22 (2) a certificate of innocence from the Circuit Court  
23 as provided in Section 2-702 of the Code of Civil  
24 Procedure.

25 (Source: P.A. 100-198, eff. 1-1-18; revised 9-21-20.)

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

2 Sec. 3-2-7. Staff Training and Development.

3 (a) The Department shall train its own personnel and any  
4 personnel from local agencies by agreements under Section  
5 3-15-2.

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

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

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

21 (730 ILCS 5/3-2.5-15)

22 Sec. 3-2.5-15. Department of Juvenile Justice; assumption  
23 of duties of the Juvenile Division.

24 (a) The Department of Juvenile Justice shall assume the  
25 rights, powers, duties, and responsibilities of the Juvenile



1 Division of the Department of Corrections. Personnel, books,  
2 records, property, and unencumbered appropriations pertaining  
3 to the Juvenile Division of the Department of Corrections  
4 shall be transferred to the Department of Juvenile Justice on  
5 the effective date of this amendatory Act of the 94th General  
6 Assembly. Any rights of employees or the State under the  
7 Personnel Code or any other contract or plan shall be  
8 unaffected by this transfer.

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

26 (c) Subsection (b) of this Section does not apply to

1 personnel transferred to the Department of Juvenile Justice on  
2 the effective date of this amendatory Act of the 94th General  
3 Assembly.

4 (d) The Department shall be under the direction of the  
5 Director of Juvenile Justice as provided in this Code.

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

26 (f) The Department of Juvenile Justice may enter into

1 intergovernmental cooperation agreements under which minors  
2 adjudicated delinquent and committed to the Department of  
3 Juvenile Justice may participate in county juvenile impact  
4 incarceration programs established under Section 3-6039 of the  
5 Counties Code.

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

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

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