

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 who has custody and control over
15 committed persons in an adult correctional facility; or, for
16 an employee of the Department of Juvenile Justice, direct care
17 staff of persons committed to a juvenile facility.

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

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

26 (f-5) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

26 (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 applicants for hiring as
15 correctional officers to undergo mental health screenings and
16 tests prior to their employment as correctional officers and
17 upon their employment shall develop rules to monitor their
18 interaction with committed persons and to provide for
19 discharge or other assignments for officers who are mentally
20 unable to interact with committed persons.

21 (d) The Department shall create a staff in crisis
22 committee for correctional officers who have mental health
23 issues as a result of their employment.

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

1 (730 ILCS 5/3-2.5-15)

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

4 (a) The Department of Juvenile Justice shall assume the
5 rights, powers, duties, and responsibilities of the Juvenile
6 Division of the Department of Corrections. Personnel, books,
7 records, property, and unencumbered appropriations pertaining
8 to the Juvenile Division of the Department of Corrections
9 shall be transferred to the Department of Juvenile Justice on
10 the effective date of this amendatory Act of the 94th General
11 Assembly. Any rights of employees or the State under the
12 Personnel Code or any other contract or plan shall be
13 unaffected by this transfer.

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

1 regular contact with youth. The degree requirements specified
2 in this subsection (b) are not required of persons who provide
3 vocational training and who have adequate knowledge in the
4 skill for which they are providing the vocational training.

5 (c) Subsection (b) of this Section does not apply to
6 personnel transferred to the Department of Juvenile Justice on
7 the effective date of this amendatory Act of the 94th General
8 Assembly.

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

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

1 and analysis, information technology, internal investigations,
2 intelligence, legislative services, emergency response
3 capability, statewide transportation services, and general
4 office support.

5 (f) The Department of Juvenile Justice may enter into
6 intergovernmental cooperation agreements under which minors
7 adjudicated delinquent and committed to the Department of
8 Juvenile Justice may participate in county juvenile impact
9 incarceration programs established under Section 3-6039 of the
10 Counties Code.

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

14 (h) The Department of Juvenile Justice shall require
15 applicants for hiring as correctional officers to undergo
16 mental health screenings and tests prior to their employment
17 as correctional officers and upon their employment shall
18 develop rules to monitor their interaction with committed
19 persons and to provide for discharge or other assignments for
20 officers who are mentally unable to interact with committed
21 persons.

22 (i) The Department of Juvenile Justice shall create a
23 staff in crisis committee for correctional officers who have
24 mental health issues as a result of their employment. The
25 staff in crisis committee shall be made available for direct
26 care staff who are subject to disciplinary action by the

1 Department of Juvenile Justice.

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