



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5455

Introduced 1/31/2022, by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

New Act  
730 ILCS 5/3-7-2

from Ch. 38, par. 1003-7-2

Creates the Faith Behind Bars Act. Provides that a person committed to a correctional institution or facility has a constitutional right to practice his or her faith in the correctional institution or facility absent harm and without undue burden to the State's correctional system. Provides that a committed person belonging to a faith group in a correctional institution or facility shall have access to pastoral and spiritual care absent harm and without undue burden to the State's correctional system. Provides that a correctional institution or facility shall provide reading materials for diverse faith groups, including, but not limited to, spiritual, religious texts, prayer manuals, prayer mats, and other requested material from committed persons. Provides that all correctional institutions and facilities in the State shall provide committed persons the ability to pray by facilitating time and clean location, fast by allowing a committed person abstain from food when appropriate, and respect for dietary restrictions absent harm and without undue burden to the State's correctional system. Amends the Unified Code of Corrections to making a conforming change.

LRB102 25408 RLC 34693 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 Faith  
5 Behind Bars Act.

6 Section 5. Findings and declaration of policy.

7 (a) The General Assembly hereby finds, determines, and  
8 declares the following that:

9 (1) Chaplains play a key role in helping persons  
10 committed to correctional institutions and facilities  
11 transform their understanding of responsibility, choices,  
12 and possibilities and that behavior only changes when  
13 hearts change.

14 (2) Without a spiritual-based transformation there is  
15 little hope for sincere, lasting change in any of us.  
16 Without a faith-based after-care living situation an  
17 ex-offender has little chance of succeeding on the street.

18 (3) That the chaplain's personal contact is crucial. A  
19 chaplain ministers through relationship. Being accepting,  
20 nonjudgmental, and working toward self esteem issues is  
21 important.

22 (4) According to a Pew Research Center 2012 Study,  
23 Religion in Prisons, 50 state survey of Prison Chaplains,

1 about 71% of chaplains identify as Protestants, 13% as  
2 Catholics, 7% as Muslims, and the remainder identify with  
3 other religions, including Judaism and Native American  
4 spirituality. A plurality of the chaplains 44% consider  
5 their faith to be part of the evangelical Protestant  
6 tradition while 15% come from a mainline Protestant  
7 tradition and 7% are from a historically black Protestant  
8 tradition.

9 (5) A Pew Forum survey ranked the top 3 activities of  
10 chaplains that are most important, personally leading  
11 worship services, religious instruction sessions, or  
12 spiritual counseling sessions. About 75% of the chaplains  
13 surveyed consider this to be among their most important  
14 functions, including 57% who ranked it as their number one  
15 priority.

16 (6) The Pew Forum survey found that most prison  
17 chaplains say there are too few religious volunteers to  
18 meet the needs of all inmates. About 69% of prison  
19 chaplains surveyed say there are some religious groups for  
20 which there are too few volunteers in the prisons where  
21 they work.

22 (7) A 2020 Audit of federal prisons found that the  
23 Federal Bureau of Prisons chaplaincy services departments  
24 are not staffed according to the Federal Bureau of Prisons  
25 guidelines at many institutions. The Federal Bureau of  
26 Prisons current policy states that, at a minimum, each

1 chaplaincy services department should be staffed with at  
2 least one chaplain and one religious services assistant.  
3 This standard translates to a minimum need for 122  
4 chaplains and 122 religious services assistants throughout  
5 the Federal Bureau of Prisons. However, as of March 2020,  
6 nearly half of the Federal Bureau of Prisons institutions  
7 had no religious services assistant, 3 institutions had no  
8 chaplain at all, 21 institutions employed a single  
9 chaplain, and 2 institutions had only recently filled  
10 their only chaplain position after long vacancies. In  
11 addition to the minimum staffing level, Federal Bureau of  
12 Prisons guidelines also suggest that institutions  
13 supplement the minimum requirement with additional  
14 chaplains based on inmate population (one chaplain per 500  
15 inmates) and specific characteristics of the institution,  
16 such as being a major medical center, having 2 or more  
17 satellite facilities, or the inclusion of a special unit,  
18 each of which should have one additional chaplain.  
19 Therefore, the Federal Bureau of Prisons' chaplaincy  
20 services staffing and supplemental guidelines suggest that  
21 a fully staffed chaplaincy would include 357 chaplains and  
22 122 religious services assistants. As of March 2020, the  
23 Federal Bureau of Prisons' chaplaincy staff included only  
24 236 chaplains and 64 religious services assistants, which  
25 is approximately 30% below what the Federal Bureau of  
26 Prisons' guidelines consider to be a fully staffed

1 chaplaincy for the inmate population. The 2020 audit of  
2 federal prisons reports that some Federal Bureau of  
3 Prisons institutions were without any chaplaincy staff.  
4 During the audit, there was a peak of at least 3  
5 institutions that were without a chaplain. The audit found  
6 that critical tasks may not be accomplished, including  
7 purchasing and reviewing library materials and conducting  
8 certain faith-based programming.

9 (b) It is the intent of the General Assembly to rectify in  
10 this State the deficiencies that occur in prison ministries of  
11 other states and the federal prison system by enacting the  
12 Faith Behind Bars Act.

13 Section 10. Definitions.

14 (a) In this Act:

15 "Chaplain" means a cleric, such as a minister, priest,  
16 pastor, rabbi, or imam, or a lay representative of a religious  
17 tradition, attached to a correctional institution or facility.

18 "Chaplaincy" means the general activity performed by a  
19 chaplain, which may include crisis ministry, counseling,  
20 sacraments, worship, education, help in ethical  
21 decision-making, staff support, clergy contact, and community  
22 or church coordination.

23 "Chaplaincy services" means services offered by a chaplain  
24 or lay person who has been commissioned by a faith group or an  
25 organization to provide pastoral services to the correctional

1 institution or facility.

2 "Committed person" has the meaning ascribed to it in  
3 Section 1-2 of the Unified Code of Corrections.

4 "Correctional institution or facility" has the meaning  
5 ascribed to it in Section 1-2 of the Unified Code of  
6 Corrections.

7 "Undue burden" means significant difficulty or expense.

8 Section 15. Right to practice faith in a correctional  
9 institution or facility.

10 (a) A committed person has a constitutional right to  
11 practice his or her faith in a correctional institution or  
12 facility absent harm and without undue burden to the State's  
13 correctional system.

14 (b) A committed person belonging to a faith group in a  
15 correctional institution or facility shall have access to  
16 pastoral and spiritual care absent harm and without undue  
17 burden to the State's correctional system.

18 (c) A correctional institution or facility shall provide  
19 reading materials for diverse faith groups, including, but not  
20 limited to, spiritual, religious texts, prayer manuals, prayer  
21 mats, and other requested material from committed persons.

22 (d) All correctional institutions and facilities in this  
23 State shall provide committed persons the ability to pray by  
24 facilitating time and clean location, fast by allowing a  
25 committed person abstain from food when appropriate, and

1 respect for dietary restrictions absent harm and without undue  
2 burden to the State's correctional system.

3 (e) All correctional institutions and facilities in this  
4 State shall hold a training seminar administered by chaplains  
5 of the leading faith groups representing the State's  
6 correctional institutions and facilities population every 5  
7 years for wardens and chief administrative officers of  
8 correctional institutions and facilities to familiarize  
9 themselves with the foundations of each faith group.

10 (f) All correctional institutions and facilities in this  
11 State shall maintain a chaplain database of chaplains  
12 representing the percentage of the correctional institutions  
13 and facilities populations' various faith groups.

14 (g) All correctional institutions and facilities in this  
15 State shall provide access to chaplains in the State's  
16 correctional system as requested by a committed person  
17 belonging to a specific faith group cross referenced by the  
18 correctional institutions and facilities chaplain database.

19 (h) All correctional institutions and facilities in this  
20 State shall not bar chaplains from access to committed persons  
21 absent evidence of potential harm and probable cause of threat  
22 to the security of the State's correctional system.

23 (i) All correctional institutions and facilities in this  
24 State shall grant requests of religious observance gatherings,  
25 including, but not limited to, mass, weekly congregations,  
26 sermons, and pastoral meetings absent harm and undue burden to

1 the State's correctional system.

2 (j) In determining whether an action would result in an  
3 undue burden under this Section, factors to be considered by  
4 the warden or chief administrative officer of the correctional  
5 institution or facility include:

6 (1) the nature and cost of the action needed under  
7 this Section;

8 (2) the overall financial resources of the  
9 correctional institution or facility involved in the  
10 action;

11 (3) the number of persons employed at the correctional  
12 institution or facility;

13 (4) the effect on expenses and resources of the  
14 correctional institution or facility; and

15 (5) legitimate safety requirements that are necessary  
16 for safe operation of the correctional institution or  
17 facility, including crime prevention measures.

18 Section 90. The Unified Code of Corrections is amended by  
19 changing Section 3-7-2 as follows:

20 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

21 Sec. 3-7-2. Facilities.

22 (a) All institutions and facilities of the Department  
23 shall provide every committed person with access to toilet  
24 facilities, barber facilities, bathing facilities at least



1 once each week, a library of legal materials and published  
2 materials including newspapers and magazines approved by the  
3 Director. A committed person may not receive any materials  
4 that the Director deems pornographic.

5 (b) (Blank).

6 (c) All institutions and facilities of the Department  
7 shall provide facilities for every committed person to leave  
8 his cell for at least one hour each day unless the chief  
9 administrative officer determines that it would be harmful or  
10 dangerous to the security or safety of the institution or  
11 facility.

12 (d) All institutions and facilities of the Department  
13 shall provide every committed person with a wholesome and  
14 nutritional diet at regularly scheduled hours, drinking water,  
15 clothing adequate for the season, bedding, soap and towels and  
16 medical and dental care.

17 (e) All institutions and facilities of the Department  
18 shall permit every committed person to send and receive an  
19 unlimited number of uncensored letters, provided, however,  
20 that the Director may order that mail be inspected and read for  
21 reasons of the security, safety or morale of the institution  
22 or facility.

23 (f) All of the institutions and facilities of the  
24 Department shall permit every committed person to receive  
25 in-person visitors and video contact, if available, except in  
26 case of abuse of the visiting privilege or when the chief

1 administrative officer determines that such visiting would be  
2 harmful or dangerous to the security, safety or morale of the  
3 institution or facility. Each committed person is entitled to  
4 7 visits per month. Every committed person may submit a list of  
5 at least 30 persons to the Department that are authorized to  
6 visit the committed person. The list shall be kept in an  
7 electronic format by the Department beginning on August 1,  
8 2019, as well as available in paper form for Department  
9 employees. The chief administrative officer shall have the  
10 right to restrict visitation to non-contact visits, video, or  
11 other forms of non-contact visits for reasons of safety,  
12 security, and order, including, but not limited to,  
13 restricting contact visits for committed persons engaged in  
14 gang activity. No committed person in a super maximum security  
15 facility or on disciplinary segregation is allowed contact  
16 visits. Any committed person found in possession of illegal  
17 drugs or who fails a drug test shall not be permitted contact  
18 visits for a period of at least 6 months. Any committed person  
19 involved in gang activities or found guilty of assault  
20 committed against a Department employee shall not be permitted  
21 contact visits for a period of at least 6 months. The  
22 Department shall offer every visitor appropriate written  
23 information concerning HIV and AIDS, including information  
24 concerning how to contact the Illinois Department of Public  
25 Health for counseling information. The Department shall  
26 develop the written materials in consultation with the

1 Department of Public Health. The Department shall ensure that  
2 all such information and materials are culturally sensitive  
3 and reflect cultural diversity as appropriate. Implementation  
4 of the changes made to this Section by Public Act 94-629 is  
5 subject to appropriation. The Department shall seek the lowest  
6 possible cost to provide video calling and shall charge to the  
7 extent of recovering any demonstrated costs of providing video  
8 calling. The Department shall not make a commission or profit  
9 from video calling services. Nothing in this Section shall be  
10 construed to permit video calling instead of in-person  
11 visitation.

12 (f-5) (Blank).

13 (f-10) The Department may not restrict or limit in-person  
14 visits to committed persons due to the availability of  
15 interactive video conferences.

16 (f-15)(1) The Department shall issue a standard written  
17 policy for each institution and facility of the Department  
18 that provides for:

19 (A) the number of in-person visits each committed  
20 person is entitled to per week and per month including the  
21 requirements of subsection (f) of this Section;

22 (B) the hours of in-person visits;

23 (C) the type of identification required for visitors  
24 at least 18 years of age; and

25 (D) the type of identification, if any, required for  
26 visitors under 18 years of age.

1           (2) This policy shall be posted on the Department website  
2 and at each facility.

3           (3) The Department shall post on its website daily any  
4 restrictions or denials of visitation for that day and the  
5 succeeding 5 calendar days, including those based on a  
6 lockdown of the facility, to inform family members and other  
7 visitors.

8           (g) All institutions and facilities of the Department  
9 shall permit religious ministrations and sacraments to be  
10 available to every committed person, but attendance at  
11 religious services shall not be required. This subsection (g)  
12 is subject to the provisions of the Faith Behind Bars Act.

13           (h) Within 90 days after December 31, 1996, the Department  
14 shall prohibit the use of curtains, cell-coverings, or any  
15 other matter or object that obstructs or otherwise impairs the  
16 line of vision into a committed person's cell.

17           (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;  
18 100-142, eff. 1-1-18; 100-677, eff. 1-1-19; 100-863, eff.  
19 8-14-18.)