



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3180

Introduced 1/13/2022, by Sen. Laura Fine

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2

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

Amends the Unified Code of Corrections. Provides that a point of contact person must promptly and efficiently review and monitor suggestions, complaints, or other requests made by visitors to Department of Corrections institutions or facilities and by other members of the public. Provides that the point of contact person shall maintain information about parties to the complaint, subject matter of the complaint, and summary of the results of the review or investigation, including any resolution or recommendations made as a result of the complaint. Provides that a point of contact person shall provide an annual written report to the General Assembly and the Governor, with the first report due no later than January 1, 2023. Provides that the Department must publish both reports on its website within 48 hours of transmitting the reports to the Governor and the General Assembly. Provides that at every Department of Corrections visiting waiting area, a sign containing at minimum, the following information in bold block type must be posted in a conspicuous place: (1) a short statement notifying visitors of the point of contact person to receive suggestions, complaints, or other requests; and (2) information on how to submit suggestions, complaints, or other requests to a point of contact person. Effective immediately.

LRB102 23350 RLC 32516 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 5. The Unified Code of Corrections is amended by  
5 changing Section 3-2-2 as follows:

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

7 Sec. 3-2-2. Powers and duties of the Department.

8 (1) In addition to the powers, duties, and  
9 responsibilities which are otherwise provided by law, the  
10 Department shall have the following powers:

11 (a) To accept persons committed to it by the courts of  
12 this State for care, custody, treatment, and  
13 rehabilitation, and to accept federal prisoners and aliens  
14 over whom the Office of the Federal Detention Trustee is  
15 authorized to exercise the federal detention function for  
16 limited purposes and periods of time.

17 (b) To develop and maintain reception and evaluation  
18 units for purposes of analyzing the custody and  
19 rehabilitation needs of persons committed to it and to  
20 assign such persons to institutions and programs under its  
21 control or transfer them to other appropriate agencies. In  
22 consultation with the Department of Alcoholism and  
23 Substance Abuse (now the Department of Human Services),

1 the Department of Corrections shall develop a master plan  
2 for the screening and evaluation of persons committed to  
3 its custody who have alcohol or drug abuse problems, and  
4 for making appropriate treatment available to such  
5 persons; the Department shall report to the General  
6 Assembly on such plan not later than April 1, 1987. The  
7 maintenance and implementation of such plan shall be  
8 contingent upon the availability of funds.

9 (b-1) To create and implement, on January 1, 2002, a  
10 pilot program to establish the effectiveness of  
11 pupillometer technology (the measurement of the pupil's  
12 reaction to light) as an alternative to a urine test for  
13 purposes of screening and evaluating persons committed to  
14 its custody who have alcohol or drug problems. The pilot  
15 program shall require the pupillometer technology to be  
16 used in at least one Department of Corrections facility.  
17 The Director may expand the pilot program to include an  
18 additional facility or facilities as he or she deems  
19 appropriate. A minimum of 4,000 tests shall be included in  
20 the pilot program. The Department must report to the  
21 General Assembly on the effectiveness of the program by  
22 January 1, 2003.

23 (b-5) To develop, in consultation with the Illinois  
24 State Police, a program for tracking and evaluating each  
25 inmate from commitment through release for recording his  
26 or her gang affiliations, activities, or ranks.

1           (c) To maintain and administer all State correctional  
2 institutions and facilities under its control and to  
3 establish new ones as needed. Pursuant to its power to  
4 establish new institutions and facilities, the Department  
5 may, with the written approval of the Governor, authorize  
6 the Department of Central Management Services to enter  
7 into an agreement of the type described in subsection (d)  
8 of Section 405-300 of the Department of Central Management  
9 Services Law. The Department shall designate those  
10 institutions which shall constitute the State Penitentiary  
11 System. The Department of Juvenile Justice shall maintain  
12 and administer all State youth centers pursuant to  
13 subsection (d) of Section 3-2.5-20.

14           Pursuant to its power to establish new institutions  
15 and facilities, the Department may authorize the  
16 Department of Central Management Services to accept bids  
17 from counties and municipalities for the construction,  
18 remodeling, or conversion of a structure to be leased to  
19 the Department of Corrections for the purposes of its  
20 serving as a correctional institution or facility. Such  
21 construction, remodeling, or conversion may be financed  
22 with revenue bonds issued pursuant to the Industrial  
23 Building Revenue Bond Act by the municipality or county.  
24 The lease specified in a bid shall be for a term of not  
25 less than the time needed to retire any revenue bonds used  
26 to finance the project, but not to exceed 40 years. The

1 lease may grant to the State the option to purchase the  
2 structure outright.

3 Upon receipt of the bids, the Department may certify  
4 one or more of the bids and shall submit any such bids to  
5 the General Assembly for approval. Upon approval of a bid  
6 by a constitutional majority of both houses of the General  
7 Assembly, pursuant to joint resolution, the Department of  
8 Central Management Services may enter into an agreement  
9 with the county or municipality pursuant to such bid.

10 (c-5) To build and maintain regional juvenile  
11 detention centers and to charge a per diem to the counties  
12 as established by the Department to defray the costs of  
13 housing each minor in a center. In this subsection (c-5),  
14 "juvenile detention center" means a facility to house  
15 minors during pendency of trial who have been transferred  
16 from proceedings under the Juvenile Court Act of 1987 to  
17 prosecutions under the criminal laws of this State in  
18 accordance with Section 5-805 of the Juvenile Court Act of  
19 1987, whether the transfer was by operation of law or  
20 permissive under that Section. The Department shall  
21 designate the counties to be served by each regional  
22 juvenile detention center.

23 (d) To develop and maintain programs of control,  
24 rehabilitation, and employment of committed persons within  
25 its institutions.

26 (d-5) To provide a pre-release job preparation program

1 for inmates at Illinois adult correctional centers.

2 (d-10) To provide educational and visitation  
3 opportunities to committed persons within its institutions  
4 through temporary access to content-controlled tablets  
5 that may be provided as a privilege to committed persons  
6 to induce or reward compliance.

7 (e) To establish a system of supervision and guidance  
8 of committed persons in the community.

9 (f) To establish in cooperation with the Department of  
10 Transportation to supply a sufficient number of prisoners  
11 for use by the Department of Transportation to clean up  
12 the trash and garbage along State, county, township, or  
13 municipal highways as designated by the Department of  
14 Transportation. The Department of Corrections, at the  
15 request of the Department of Transportation, shall furnish  
16 such prisoners at least annually for a period to be agreed  
17 upon between the Director of Corrections and the Secretary  
18 of Transportation. The prisoners used on this program  
19 shall be selected by the Director of Corrections on  
20 whatever basis he deems proper in consideration of their  
21 term, behavior and earned eligibility to participate in  
22 such program - where they will be outside of the prison  
23 facility but still in the custody of the Department of  
24 Corrections. Prisoners convicted of first degree murder,  
25 or a Class X felony, or armed violence, or aggravated  
26 kidnapping, or criminal sexual assault, aggravated

1 criminal sexual abuse or a subsequent conviction for  
2 criminal sexual abuse, or forcible detention, or arson, or  
3 a prisoner adjudged a Habitual Criminal shall not be  
4 eligible for selection to participate in such program. The  
5 prisoners shall remain as prisoners in the custody of the  
6 Department of Corrections and such Department shall  
7 furnish whatever security is necessary. The Department of  
8 Transportation shall furnish trucks and equipment for the  
9 highway cleanup program and personnel to supervise and  
10 direct the program. Neither the Department of Corrections  
11 nor the Department of Transportation shall replace any  
12 regular employee with a prisoner.

13 (g) To maintain records of persons committed to it and  
14 to establish programs of research, statistics, and  
15 planning.

16 (h) To investigate the grievances of any person  
17 committed to the Department and to inquire into any  
18 alleged misconduct by employees or committed persons; and  
19 for these purposes it may issue subpoenas and compel the  
20 attendance of witnesses and the production of writings and  
21 papers, and may examine under oath any witnesses who may  
22 appear before it; to also investigate alleged violations  
23 of a parolee's or releasee's conditions of parole or  
24 release; and for this purpose it may issue subpoenas and  
25 compel the attendance of witnesses and the production of  
26 documents only if there is reason to believe that such

1 procedures would provide evidence that such violations  
2 have occurred.

3 If any person fails to obey a subpoena issued under  
4 this subsection, the Director may apply to any circuit  
5 court to secure compliance with the subpoena. The failure  
6 to comply with the order of the court issued in response  
7 thereto shall be punishable as contempt of court.

8 (i) To appoint and remove the chief administrative  
9 officers, and administer programs of training and  
10 development of personnel of the Department. Personnel  
11 assigned by the Department to be responsible for the  
12 custody and control of committed persons or to investigate  
13 the alleged misconduct of committed persons or employees  
14 or alleged violations of a parolee's or releasee's  
15 conditions of parole shall be conservators of the peace  
16 for those purposes, and shall have the full power of peace  
17 officers outside of the facilities of the Department in  
18 the protection, arrest, retaking, and reconfining of  
19 committed persons or where the exercise of such power is  
20 necessary to the investigation of such misconduct or  
21 violations. This subsection shall not apply to persons  
22 committed to the Department of Juvenile Justice under the  
23 Juvenile Court Act of 1987 on aftercare release.

24 (j) To cooperate with other departments and agencies  
25 and with local communities for the development of  
26 standards and programs for better correctional services in



1 this State.

2 (k) To administer all moneys and properties of the  
3 Department.

4 (l) To report annually to the Governor on the  
5 committed persons, institutions, and programs of the  
6 Department.

7 (l-5) (Blank).

8 (m) To make all rules and regulations and exercise all  
9 powers and duties vested by law in the Department.

10 (n) To establish rules and regulations for  
11 administering a system of sentence credits, established in  
12 accordance with Section 3-6-3, subject to review by the  
13 Prisoner Review Board.

14 (o) To administer the distribution of funds from the  
15 State Treasury to reimburse counties where State penal  
16 institutions are located for the payment of assistant  
17 state's attorneys' salaries under Section 4-2001 of the  
18 Counties Code.

19 (p) To exchange information with the Department of  
20 Human Services and the Department of Healthcare and Family  
21 Services for the purpose of verifying living arrangements  
22 and for other purposes directly connected with the  
23 administration of this Code and the Illinois Public Aid  
24 Code.

25 (q) To establish a diversion program.

26 The program shall provide a structured environment for

1 selected technical parole or mandatory supervised release  
2 violators and committed persons who have violated the  
3 rules governing their conduct while in work release. This  
4 program shall not apply to those persons who have  
5 committed a new offense while serving on parole or  
6 mandatory supervised release or while committed to work  
7 release.

8 Elements of the program shall include, but shall not  
9 be limited to, the following:

10 (1) The staff of a diversion facility shall  
11 provide supervision in accordance with required  
12 objectives set by the facility.

13 (2) Participants shall be required to maintain  
14 employment.

15 (3) Each participant shall pay for room and board  
16 at the facility on a sliding-scale basis according to  
17 the participant's income.

18 (4) Each participant shall:

19 (A) provide restitution to victims in  
20 accordance with any court order;

21 (B) provide financial support to his  
22 dependents; and

23 (C) make appropriate payments toward any other  
24 court-ordered obligations.

25 (5) Each participant shall complete community  
26 service in addition to employment.

1           (6) Participants shall take part in such  
2 counseling, educational, and other programs as the  
3 Department may deem appropriate.

4           (7) Participants shall submit to drug and alcohol  
5 screening.

6           (8) The Department shall promulgate rules  
7 governing the administration of the program.

8           (r) To enter into intergovernmental cooperation  
9 agreements under which persons in the custody of the  
10 Department may participate in a county impact  
11 incarceration program established under Section 3-6038 or  
12 3-15003.5 of the Counties Code.

13           (r-5) (Blank).

14           (r-10) To systematically and routinely identify with  
15 respect to each streetgang active within the correctional  
16 system: (1) each active gang; (2) every existing  
17 inter-gang affiliation or alliance; and (3) the current  
18 leaders in each gang. The Department shall promptly  
19 segregate leaders from inmates who belong to their gangs  
20 and allied gangs. "Segregate" means no physical contact  
21 and, to the extent possible under the conditions and space  
22 available at the correctional facility, prohibition of  
23 visual and sound communication. For the purposes of this  
24 paragraph (r-10), "leaders" means persons who:

25           (i) are members of a criminal streetgang;

26           (ii) with respect to other individuals within the

1 streetgang, occupy a position of organizer,  
2 supervisor, or other position of management or  
3 leadership; and

4 (iii) are actively and personally engaged in  
5 directing, ordering, authorizing, or requesting  
6 commission of criminal acts by others, which are  
7 punishable as a felony, in furtherance of streetgang  
8 related activity both within and outside of the  
9 Department of Corrections.

10 "Streetgang", "gang", and "streetgang related" have the  
11 meanings ascribed to them in Section 10 of the Illinois  
12 Streetgang Terrorism Omnibus Prevention Act.

13 (s) To operate a super-maximum security institution,  
14 in order to manage and supervise inmates who are  
15 disruptive or dangerous and provide for the safety and  
16 security of the staff and the other inmates.

17 (t) To monitor any unprivileged conversation or any  
18 unprivileged communication, whether in person or by mail,  
19 telephone, or other means, between an inmate who, before  
20 commitment to the Department, was a member of an organized  
21 gang and any other person without the need to show cause or  
22 satisfy any other requirement of law before beginning the  
23 monitoring, except as constitutionally required. The  
24 monitoring may be by video, voice, or other method of  
25 recording or by any other means. As used in this  
26 subdivision (1)(t), "organized gang" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang  
2 Terrorism Omnibus Prevention Act.

3 As used in this subdivision (1)(t), "unprivileged  
4 conversation" or "unprivileged communication" means a  
5 conversation or communication that is not protected by any  
6 privilege recognized by law or by decision, rule, or order  
7 of the Illinois Supreme Court.

8 (u) To establish a Women's and Children's Pre-release  
9 Community Supervision Program for the purpose of providing  
10 housing and services to eligible female inmates, as  
11 determined by the Department, and their newborn and young  
12 children.

13 (u-5) To issue an order, whenever a person committed  
14 to the Department absconds or absents himself or herself,  
15 without authority to do so, from any facility or program  
16 to which he or she is assigned. The order shall be  
17 certified by the Director, the Supervisor of the  
18 Apprehension Unit, or any person duly designated by the  
19 Director, with the seal of the Department affixed. The  
20 order shall be directed to all sheriffs, coroners, and  
21 police officers, or to any particular person named in the  
22 order. Any order issued pursuant to this subdivision  
23 (1)(u-5) shall be sufficient warrant for the officer or  
24 person named in the order to arrest and deliver the  
25 committed person to the proper correctional officials and  
26 shall be executed the same as criminal process.

1 (u-6) To appoint a point of contact person who shall  
2 receive suggestions, complaints, or other requests to the  
3 Department from visitors to Department institutions or  
4 facilities and from other members of the public.

5 (u-7) A point of contact person must promptly and  
6 efficiently review and monitor suggestions, complaints, or  
7 other requests made by visitors to Department institutions  
8 or facilities and by other members of the public. The  
9 point of contact person shall maintain information about  
10 parties to the complaint, subject matter of the complaint,  
11 and summary of the results of the review or investigation,  
12 including any resolution or recommendations made as a  
13 result of the complaint. The point of contact person shall  
14 provide an annual written report to the General Assembly  
15 and the Governor, with the first report due no later than  
16 January 1, 2023. The Department must publish both reports  
17 on its website within 48 hours after transmitting the  
18 reports to the Governor and the General Assembly. The  
19 report shall include a summary of activities completed in  
20 furtherance of the purpose of the point of contact  
21 person's position. The summaries shall contain the  
22 following aggregated and disaggregated data for each  
23 Department of Corrections institution and facility and  
24 describe:

25 (1) The point of contact person's work.

26 (2) Issues, complaints, and inquiries reported to

1 the point of contact person with a summary of the  
2 amount of emails, calls, letters, or correspondence  
3 received, general topic of the issue, and any  
4 resolution or recommendation reached.

5 (3) Any recommendations that the point of contact  
6 has relating to systemic issues in the Department of  
7 Corrections, and any other matters for consideration  
8 by the General Assembly and the Governor.

9 The name, address, or other personally identifiable  
10 information of a person who files a complaint or inquiry  
11 with the point of contact person, information generated by  
12 the point of contact person related to a complaint or  
13 other activities of the position, and confidential records  
14 must be redacted from the annual report.

15 (u-8) At every Department of Corrections visiting  
16 waiting area, a sign containing at minimum, the following  
17 information in bold block type must be posted in a  
18 conspicuous place:

19 (1) a short statement notifying visitors of the  
20 point of contact person to receive suggestions,  
21 complaints, or other requests; and

22 (2) information on how to submit suggestions,  
23 complaints, or other requests to a point of contact  
24 person.

25 (v) To do all other acts necessary to carry out the  
26 provisions of this Chapter.

1           (2) The Department of Corrections shall by January 1,  
2 1998, consider building and operating a correctional facility  
3 within 100 miles of a county of over 2,000,000 inhabitants,  
4 especially a facility designed to house juvenile participants  
5 in the impact incarceration program.

6           (3) When the Department lets bids for contracts for  
7 medical services to be provided to persons committed to  
8 Department facilities by a health maintenance organization,  
9 medical service corporation, or other health care provider,  
10 the bid may only be let to a health care provider that has  
11 obtained an irrevocable letter of credit or performance bond  
12 issued by a company whose bonds have an investment grade or  
13 higher rating by a bond rating organization.

14           (4) When the Department lets bids for contracts for food  
15 or commissary services to be provided to Department  
16 facilities, the bid may only be let to a food or commissary  
17 services provider that has obtained an irrevocable letter of  
18 credit or performance bond issued by a company whose bonds  
19 have an investment grade or higher rating by a bond rating  
20 organization.

21           (5) On and after the date 6 months after August 16, 2013  
22 (the effective date of Public Act 98-488), as provided in the  
23 Executive Order 1 (2012) Implementation Act, all of the  
24 powers, duties, rights, and responsibilities related to State  
25 healthcare purchasing under this Code that were transferred  
26 from the Department of Corrections to the Department of



1 Healthcare and Family Services by Executive Order 3 (2005) are  
2 transferred back to the Department of Corrections; however,  
3 powers, duties, rights, and responsibilities related to State  
4 healthcare purchasing under this Code that were exercised by  
5 the Department of Corrections before the effective date of  
6 Executive Order 3 (2005) but that pertain to individuals  
7 resident in facilities operated by the Department of Juvenile  
8 Justice are transferred to the Department of Juvenile Justice.  
9 (Source: P.A. 101-235, eff. 1-1-20; 102-350, eff. 8-13-21;  
10 102-535, eff. 1-1-22; 102-538, eff. 8-20-21; revised  
11 10-15-21.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.