



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB0046

Introduced 1/12/2023, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

New Act
730 ILCS 5/3-8-7

from Ch. 38, par. 1003-8-7

Creates the Isolated Confinement Restriction Act. Provides that the Act may be referred to as the Anthony Gay Law. Provides that a committed person may not be placed in isolated confinement for more than 10 consecutive days. Provides that a committed person may not be placed in isolated confinement for more than 10 days in any 180-day period. Provides that, while out of cell, committed persons may have access to activities, including, but not limited, to: job assignments, educational classes, vocational classes, meals, recreation, the yard or gymnasium, the day room, medical appointments, visits, and group therapy. Provides exceptions. Provides that the Department of Corrections shall post on the Department's official website quarterly reports on the use of isolated confinement. Amends the Unified Code of Corrections to make conforming changes. Effective January 1, 2024, except that some provisions are effective immediately.

LRB103 03529 RLC 48535 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 0.05. This Act may be referred to as the Anthony
5 Gay Law.

6 Section 1. Short title. This Act may be cited as the
7 Isolated Confinement Restriction Act.

8 Section 5. Definitions. In this Act:

9 "Correctional facility" means any State correctional
10 facility or county correctional facility, and any State,
11 county, or private facility detaining persons under any
12 intergovernmental service agreement or other contract with any
13 State, county, or federal agency, including, but not limited
14 to, United States Immigration and Customs Enforcement.

15 "Facility administrator" means the chief operating
16 officer, senior administrative designee, or warden of a
17 correctional facility.

18 "Isolated confinement" means confinement of a committed
19 person in a correctional facility in a cell or confined living
20 space, alone or with other inmates, for more than 20 hours in
21 any 24-hour period.

22 "Protective custody" means confinement of a committed

1 person in a cell or confined living space under conditions
2 necessary to protect the committed person or others.

3 Section 10. Restrictions on the use of isolated
4 confinement.

5 (a) Except as provided in subsection (b), the use of
6 isolated confinement in correctional facilities in this State
7 shall be restricted as follows:

8 (1) A committed person may not be placed in isolated
9 confinement for more than 10 consecutive days.

10 (2) A committed person may not be placed in isolated
11 confinement for more than 10 days in any 180-day period.

12 (3) While out of cell, committed persons may have
13 access to activities, including but not limited to: job
14 assignments, educational classes, vocational classes,
15 meals, recreation, the yard or gymnasium, the day room,
16 medical appointments, visits, and group therapy.

17 (b) Isolated confinement shall be permitted if the
18 facility administrator determines that a committed person
19 should be placed in protective custody. The facility
20 administrator's use of protective custody is limited as
21 follows:

22 (1) The committed person may be placed in protective
23 custody only with informed, voluntary written consent of
24 the committed person.

25 (2) A committed person in protective custody may opt

1 out of that status by providing informed, voluntary,
2 written refusal of that status.

3 (c) Nothing in this Act is intended to restrict any rights
4 or privileges a committed person may have under any other
5 statute, rule, or regulation.

6 Section 15. Data publication. The Department of
7 Corrections shall post on the Department's official website
8 quarterly reports on the use of isolated confinement. The
9 reports shall include data on the use of isolated confinement
10 by age, sex, gender identity, ethnicity, incidence of mental
11 illness, and type of confinement status, at each facility. The
12 reports shall also include the population on the last day of
13 each quarter and a nonduplicative cumulative count of persons
14 exposed to isolated confinement for each fiscal year. The
15 reports shall include the incidence of emergency confinement,
16 self-harm, suicide, and assault in any isolated confinement
17 unit, as well as explanations for each instance of
18 facility-wide lockdown. The reports shall include data on the
19 access to health care, including the time it takes for a
20 confined person to access medical care following a request,
21 and the time between routine mental and physical checkups. The
22 reports shall not include personally identifiable information
23 regarding any committed person.

24 Section 105. The Unified Code of Corrections is amended by

1 changing Section 3-8-7 as follows:

2 (730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)

3 Sec. 3-8-7. Disciplinary Procedures.†

4 (a) All disciplinary action shall be consistent with this
5 Chapter. Rules of behavior and conduct, the penalties for
6 violation thereof, and the disciplinary procedure by which
7 such penalties may be imposed shall be available to committed
8 persons.

9 (b) (1) Corporal punishment and disciplinary restrictions
10 on diet, medical or sanitary facilities, mail or access to
11 legal materials are prohibited.

12 (2) (Blank).

13 (3) (Blank).

14 (c) Review of disciplinary action imposed under this
15 Section shall be provided by means of the grievance procedure
16 under Section 3-8-8. The Department shall provide a
17 disciplined person with a review of his or her disciplinary
18 action in a timely manner as required by law.

19 (d) All institutions and facilities of the Department of
20 Corrections shall establish, subject to the approval of the
21 Director, procedures for hearing disciplinary cases except
22 those that may involve the imposition of disciplinary
23 segregation and isolation; the loss of good time credit under
24 Section 3-6-3 or eligibility to earn good time credit.

25 (e) In disciplinary cases which may involve the imposition

1 of ~~disciplinary segregation and isolation,~~ the loss of good
2 time credit or eligibility to earn good time credit, the
3 Director shall establish disciplinary procedures consistent
4 with the following principles:

5 (1) Any person or persons who initiate a disciplinary
6 charge against a person shall not determine the
7 disposition of the charge. The Director may establish one
8 or more disciplinary boards to hear and determine charges.

9 (2) Any committed person charged with a violation of
10 Department rules of behavior shall be given notice of the
11 charge including a statement of the misconduct alleged and
12 of the rules this conduct is alleged to violate.

13 (3) Any person charged with a violation of rules is
14 entitled to a hearing on that charge at which time he shall
15 have an opportunity to appear before and address the
16 person or persons deciding the charge.

17 (4) The person or persons determining the disposition
18 of the charge may also summon to testify any witnesses or
19 other persons with relevant knowledge of the incident.

20 (5) If the charge is sustained, the person charged is
21 entitled to a written statement of the decision by the
22 persons determining the disposition of the charge which
23 shall include the basis for the decision and the
24 disciplinary action, if any, to be imposed.

25 (6) (Blank).

26 (f) In disciplinary cases that may involve the imposition

1 of segregation and isolation, isolated confinement, or
2 restrictive housing, the Director shall establish disciplinary
3 procedures consistent with the Isolated Confinement
4 Restriction Act.

5 (Source: P.A. 97-1083, eff. 8-24-12.)

6 Section 999. Effective date. This Act takes effect January
7 1, 2024, except that this Section and Section 15 take effect
8 upon becoming law.