

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.

25 "Committed person" has the meaning ascribed to it in

1 Section 1-2 of the Unified Code of Corrections.

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

5 "Undue burden" means significant difficulty, expense, or  
6 detriment to the safety and security of the facility.

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

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

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

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

21 (d) All correctional institutions and facilities in this  
22 State shall provide committed persons the ability to pray by  
23 facilitating time and clean location, first by allowing a  
24 committed person to abstain from food when appropriate, and  
25 respect for dietary restrictions absent harm or without undue

1 burden to the State's correctional system.

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

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

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

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

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

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

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

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

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

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

14 (5) legitimate safety and security requirements that  
15 are necessary for safe operation of the correctional  
16 institution or facility, including crime prevention  
17 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 (Text of Section before amendment by P.A. 102-1111)

22 Sec. 3-7-2. Facilities.

23 (a) All institutions and facilities of the Department  
24 shall provide every committed person with access to toilet

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

6 (b) (Blank).

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

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

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

24 (f) All of the institutions and facilities of the  
25 Department shall permit every committed person to receive  
26 in-person visitors and video contact, if available, except in



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

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

13 (f-5) (Blank).

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

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

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

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

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

26 (D) the type of identification, if any, required for

1 visitors under 18 years of age.

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

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

9 (g) All institutions and facilities of the Department  
10 shall permit religious ministrations and sacraments to be  
11 available to every committed person, but attendance at  
12 religious services shall not be required.

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 (i) A point of contact person appointed under subsection  
18 (u-6) of Section 3-2-2 of this Code shall promptly and  
19 efficiently review suggestions, complaints, and other requests  
20 made by visitors to institutions and facilities of the  
21 Department and by other members of the public. Based on the  
22 nature of the submission, the point of contact person shall  
23 communicate with the appropriate division of the Department,  
24 disseminate the concern or complaint, and act as liaison  
25 between the parties to reach a resolution.

26 (1) The point of contact person shall maintain

1 information about the subject matter of each  
2 correspondence, including, but not limited to, information  
3 about the following subjects:

4 (A) the parties making the submission;

5 (B) any commissary-related concerns;

6 (C) any concerns about the institution or  
7 facility's COVID protocols and mitigations;

8 (D) any concerns about mail, video, or electronic  
9 messages or other communications with incarcerated  
10 persons;

11 (E) any concerns about the institution or  
12 facility;

13 (F) any discipline-related concerns;

14 (G) any concerns about earned sentencing credits;

15 (H) any concerns about educational opportunities  
16 for incarcerated persons;

17 (I) any concerns about health-related matters;

18 (J) any mental health concerns;

19 (K) any concerns about personal property;

20 (L) any concerns about the records of the  
21 incarcerated person;

22 (M) any concerns about recreational opportunities  
23 for incarcerated persons;

24 (N) any staffing-related concerns;

25 (O) any concerns about the transfer of individuals  
26 in custody;

1 (P) any concerns about visitation; and

2 (Q) any concerns about work opportunities for  
3 incarcerated persons.

4 The information shall be maintained in accordance with  
5 standards set by the Department of Corrections, and shall  
6 be made available to the Department's Planning and  
7 Research Division. The point of contact person shall  
8 provide a summary of the results of the review, including  
9 any resolution or recommendations made as a result of  
10 correspondence with the Planning and Research Division of  
11 the Department.

12 (2) The Department shall provide an annual written  
13 report to the General Assembly and the Governor, with the  
14 first report due no later than January 1, 2023, and  
15 publish the report on its website within 48 hours after  
16 the report is transmitted to the Governor and the General  
17 Assembly. The report shall include a summary of activities  
18 undertaken and completed as a result of submissions to the  
19 point of contact person. The Department of Corrections  
20 shall collect and report the following aggregated and  
21 disaggregated data for each institution and facility and  
22 describe:

23 (A) the work of the point of contact person;

24 (B) the general nature of suggestions, complaints,  
25 and other requests submitted to the point of contact  
26 person;

1 (C) the volume of emails, calls, letters, and  
2 other correspondence received by the point of contact  
3 person;

4 (D) the resolutions reached or recommendations  
5 made as a result of the point of contact person's  
6 review;

7 (E) whether, if an investigation is recommended, a  
8 report of the complaint was forwarded to the Chief  
9 Inspector of the Department or other Department  
10 employee, and the resolution of the complaint, and if  
11 the investigation has not concluded, a detailed status  
12 report on the complaint; and

13 (F) any recommendations that the point of contact  
14 person has relating to systemic issues in the  
15 Department of Corrections, and any other matters for  
16 consideration by the General Assembly and the  
17 Governor.

18 The name, address, or other personally identifiable  
19 information of a person who files a complaint, suggestion,  
20 or other request with the point of contact person, and  
21 confidential records shall be redacted from the annual  
22 report and are not subject to disclosure under the Freedom  
23 of Information Act. The Department shall disclose the  
24 records only if required by a court order on a showing of  
25 good cause.

26 (3) The Department must post in a conspicuous place in

1 the waiting area of every facility or institution a sign  
2 that contains in bold, black type the following:

3 (A) a short statement notifying visitors of the  
4 point of contact person and that person's duty to  
5 receive suggestions, complaints, or other requests;  
6 and

7 (B) information on how to submit suggestions,  
8 complaints, or other requests to the point of contact  
9 person.

10 (Source: P.A. 102-1082, eff. 6-10-22.)

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22 shall provide facilities for every committed person to leave  
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24 administrative officer determines that it would be harmful or  
25 dangerous to the security or safety of the institution or

1 facility.

2 (d) All institutions and facilities of the Department  
3 shall provide every committed person with a wholesome and  
4 nutritional diet at regularly scheduled hours, drinking water,  
5 clothing adequate for the season, including underwear,  
6 bedding, soap and towels and medical and dental care.  
7 Underwear provided to each committed person in all  
8 institutions and facilities of the Department shall be free of  
9 charge and shall be provided at any time upon request,  
10 including multiple requests, of the committed person or as  
11 needed by the committed person.

12 (e) All institutions and facilities of the Department  
13 shall permit every committed person to send and receive an  
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25 of the changes made to this Section by Public Act 94-629 is  
26 subject to appropriation. The Department shall seek the lowest

1 possible cost to provide video calling and shall charge to the  
2 extent of recovering any demonstrated costs of providing video  
3 calling. The Department shall not make a commission or profit  
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2 visitors.

3 (g) All institutions and facilities of the Department  
4 shall permit religious ministrations and sacraments to be  
5 available to every committed person, but attendance at  
6 religious services shall not be required. This subsection (g)  
7 is subject to the provisions of the Faith Behind Bars Act.

8 (h) Within 90 days after December 31, 1996, the Department  
9 shall prohibit the use of curtains, cell-coverings, or any  
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4 messages or other communications with incarcerated  
5 persons;

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9 first report due no later than January 1, 2023, and  
10 publish the report on its website within 48 hours after  
11 the report is transmitted to the Governor and the General  
12 Assembly. The report shall include a summary of activities  
13 undertaken and completed as a result of submissions to the  
14 point of contact person. The Department of Corrections  
15 shall collect and report the following aggregated and  
16 disaggregated data for each institution and facility and  
17 describe:

18 (A) the work of the point of contact person;

19 (B) the general nature of suggestions, complaints,  
20 and other requests submitted to the point of contact  
21 person;

22 (C) the volume of emails, calls, letters, and  
23 other correspondence received by the point of contact  
24 person;

25 (D) the resolutions reached or recommendations  
26 made as a result of the point of contact person's

1 review;

2 (E) whether, if an investigation is recommended, a  
3 report of the complaint was forwarded to the Chief  
4 Inspector of the Department or other Department  
5 employee, and the resolution of the complaint, and if  
6 the investigation has not concluded, a detailed status  
7 report on the complaint; and

8 (F) any recommendations that the point of contact  
9 person has relating to systemic issues in the  
10 Department of Corrections, and any other matters for  
11 consideration by the General Assembly and the  
12 Governor.

13 The name, address, or other personally identifiable  
14 information of a person who files a complaint, suggestion,  
15 or other request with the point of contact person, and  
16 confidential records shall be redacted from the annual  
17 report and are not subject to disclosure under the Freedom  
18 of Information Act. The Department shall disclose the  
19 records only if required by a court order on a showing of  
20 good cause.

21 (3) The Department must post in a conspicuous place in  
22 the waiting area of every facility or institution a sign  
23 that contains in bold, black type the following:

24 (A) a short statement notifying visitors of the  
25 point of contact person and that person's duty to  
26 receive suggestions, complaints, or other requests;

1           and

2                   (B) information on how to submit suggestions,  
3           complaints, or other requests to the point of contact  
4           person.

5           (j) ~~(i)~~ Menstrual hygiene products shall be available, as  
6           needed, free of charge, at all institutions and facilities of  
7           the Department for all committed persons who menstruate. In  
8           this subsection (j) ~~(i)~~, "menstrual hygiene products" means  
9           tampons and sanitary napkins for use in connection with the  
10          menstrual cycle.

11          (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;  
12          revised 1-8-23.)

13          Section 95. No acceleration or delay. Where this Act makes  
14          changes in a statute that is represented in this Act by text  
15          that is not yet or no longer in effect (for example, a Section  
16          represented by multiple versions), the use of that text does  
17          not accelerate or delay the taking effect of (i) the changes  
18          made by this Act or (ii) provisions derived from any other  
19          Public Act.