



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB4828**

Introduced 2/7/2024, by Rep. Kevin John Olickal

#### 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 Nelson Mandela Act. Provides that, except as otherwise provided in the Act, the use of isolated confinement in correctional facilities in the State shall be restricted as follows: (1) a committed person may not be placed in isolated confinement for more than 10 consecutive days; (2) a committed person may not be placed in isolated confinement for more than 10 days in any 180-day period; and (3) while out of cell, committed persons may have access to activities, including, but not limited to: job assignments, educational classes, vocational classes, meals, recreation, yard or gymnasium, day room, bathing facilities, medical appointments, visits, and group therapy. Provides that a committed person in protective custody may opt out of that status by providing informed, voluntary, written refusal of that status. Provides that nothing in the Act is intended to restrict any rights or privileges a committed person may have under any other statute, rule, or regulation. Provides that the Department of Corrections shall post on the Department's official website quarterly reports on the use of isolated confinement. Provides that these reports shall not include personally identifiable information regarding any committed person. Defines terms. Amends the Unified Code of Corrections to make conforming changes. Effective immediately.

LRB103 37993 RLC 68125 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; references to Act.

5 (a) Short title. This Act may be cited as the Isolated  
6 Confinement Restriction Act.

7 (b) References to Act. This Act may be referred to as the  
8 Nelson Mandela Act.

9 Section 5. Findings.

10 (a) The General Assembly finds that:

11 (1) The Illinois General Assembly honors the legacy of  
12 Nelson Mandela, the first and former President of South  
13 Africa, and recognizes that after release from 27 years of  
14 imprisonment, much of which was spent in isolated  
15 confinement, he became a world leader in his commitment to  
16 democracy and international human rights.

17 (2) Mandela was repeatedly subjected to isolated  
18 confinement.

19 (3) Mandela's isolation began with 23 hours a day of  
20 isolated confinement with just 2 30-minute exercise  
21 periods allowed a day. Such hours were spent in a cell  
22 measuring 8 feet by 7 feet, with walls of concrete,  
23 without windows, and furnished with a single light bulb to

1 substitute natural light.

2 (4) Mandela described isolated confinement as "the  
3 most forbidding aspect of prison life", with no end and no  
4 beginning.

5 (5) After 27 years of incarceration under the South  
6 African government, Mandela went on to receive a Nobel  
7 Peace Prize and numerous other honors as a global icon of  
8 democracy and social justice.

9 (6) In an attempt to ensure that no one else would be  
10 subjected to the inhumane treatment Mandela survived, the  
11 United Nations adopted the Mandela Rules establishing  
12 Standard Minimum Rules for the Treatment of Prisoners, on  
13 December 17, 2015. Those rules finalize a set of  
14 principles that provide all people who are in prison with  
15 respect and protection from torture, and other cruel,  
16 inhuman, or degrading treatments or punishments.

17 (7) Rule 1 of the Mandela Rules sets the guiding  
18 principle for these standards, requiring that: "All  
19 prisoners shall be treated with the respect due to their  
20 inherent dignity and value as human beings".

21 (8) The Mandela Rules provide that, "the prison system  
22 shall not, except as incidental to justifiable separation  
23 or the maintenance of discipline, aggravate the suffering  
24 inherent in ... a situation" involving the deprivation of  
25 liberty.

26 (9) As a result of these requirements and recognizing

1 the horrific consequences of Mandela's prolonged  
2 isolation, the Mandela Rules specifically prohibit  
3 prolonged placement in a cell.

4 (10) Rule 44 of the Mandela Rules specifically states,  
5 "Rule 44 For the purpose of these rules, solitary  
6 confinement shall refer to the confinement of prisoners  
7 for 22 hours or more a day without meaningful human  
8 contact. Prolonged solitary confinement shall refer to  
9 solitary confinement for a time period in excess of 15  
10 consecutive days".

11 (11) Nelson Mandela stated: "(N)o one truly knows a  
12 nation until one has been inside its jails. A nation  
13 should not be judged by how it treats its highest  
14 citizens, but its lowest ones".

15 (12) To be judged as a worldwide leader, Illinois must  
16 recognize the horrific consequences that Nelson Mandela  
17 and other incarcerated individuals have experienced from  
18 being confined to a cell for prolonged periods and comply  
19 with the international mandates required by the Mandela  
20 Rules.

21 (13) It is therefore in Illinois' best interests to  
22 operate its prisons in compliance with internationally  
23 recognized minimum standards.

24 (b) It is the intent of the General Assembly to enact the  
25 Nelson Mandela Act.

1 Section 10. Definitions. In this Act:

2 "Correctional facility" means any State correctional  
3 facility or county correctional facility, and any State,  
4 county or private facility detaining persons under any  
5 intergovernmental service agreement or other contract with any  
6 State, county, or federal agency, including, but not limited  
7 to, United States Immigration and Customs Enforcement.

8 "Facility administrator" means the chief operating  
9 officer, senior administrative designee, or warden of a  
10 correctional facility.

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

15 "Protective custody" means confinement of a committed  
16 person in a cell or confined living space under conditions  
17 necessary to protect the committed person or others.

18 Section 15. Restrictions on the use of isolated  
19 confinement.

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

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

25 (2) A committed person may not be placed in isolated

1 confinement for more than 10 days in any 180-day period.

2 (3) While out of cell, committed persons may have  
3 access to activities, including, but not limited to: job  
4 assignments, educational classes, vocational classes,  
5 meals, recreation, yard or gymnasium, day room, bathing  
6 facilities, medical appointments, visits, and group  
7 therapy.

8 (b) A committed person in protective custody may opt out  
9 of that status by providing informed, voluntary, written  
10 refusal of that status.

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

14 Section 20. Data publication. The Department of  
15 Corrections shall post on the Department's official website  
16 quarterly reports on the use of isolated confinement. Those  
17 reports shall include data on the use of isolated confinement  
18 by age, sex, gender identity, ethnicity, incidence of mental  
19 illness, and type of confinement status, at each facility;  
20 these reports shall include the population on the last day of  
21 each quarter and a non-duplicative cumulative count of persons  
22 exposed to isolated confinement for each fiscal year. These  
23 reports shall include the incidence of emergency confinement,  
24 self-harm, suicide, and assault in any isolated confinement  
25 unit, as well as explanations for each instance of

1 facility-wide lockdown. These reports shall include data on  
2 the access to health care, including the time it takes for a  
3 confined person to access medical care following a request and  
4 the time between routine mental and physical checkups. These  
5 reports shall not include personally identifiable information  
6 regarding any committed person.

7 Section 90. The Unified Code of Corrections is amended by  
8 changing Section 3-8-7 as follows:

9 (730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)

10 Sec. 3-8-7. Disciplinary Procedures.)

11 (a) All disciplinary action shall be consistent with this  
12 Chapter. Rules of behavior and conduct, the penalties for  
13 violation thereof, and the disciplinary procedure by which  
14 such penalties may be imposed shall be available to committed  
15 persons.

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

19 (2) (Blank).

20 (3) (Blank).

21 (c) Review of disciplinary action imposed under this  
22 Section shall be provided by means of the grievance procedure  
23 under Section 3-8-8. The Department shall provide a  
24 disciplined person with a review of his or her disciplinary

1 action in a timely manner as required by law.

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

8 (e) In disciplinary cases which may involve ~~the imposition~~  
9 ~~of disciplinary segregation and isolation,~~ the loss of good  
10 time credit or eligibility to earn good time credit, the  
11 Director shall establish disciplinary procedures consistent  
12 with the following principles:

13 (1) Any person or persons who initiate a disciplinary  
14 charge against a person shall not determine the  
15 disposition of the charge. The Director may establish one  
16 or more disciplinary boards to hear and determine charges.

17 (2) Any committed person charged with a violation of  
18 Department rules of behavior shall be given notice of the  
19 charge including a statement of the misconduct alleged and  
20 of the rules this conduct is alleged to violate.

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

25 (4) The person or persons determining the disposition  
26 of the charge may also summon to testify any witnesses or



1 other persons with relevant knowledge of the incident.

2 (5) If the charge is sustained, the person charged is  
3 entitled to a written statement of the decision by the  
4 persons determining the disposition of the charge which  
5 shall include the basis for the decision and the  
6 disciplinary action, if any, to be imposed.

7 (6) (Blank).

8 (f) In disciplinary cases which may involve the imposition  
9 of segregation and isolation, isolated confinement, or  
10 restrictive housing, the Director shall establish disciplinary  
11 procedures consistent with the Isolated Confinement  
12 Restriction Act.

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

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.