



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4845

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

SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Creates the Department of Corrections Independent Ombudsperson Law. Provides that the Corrections Oversight Committee shall appoint the Independent Corrections Ombudsperson. Provides that the Independent Corrections Ombudsperson shall serve a term of 6 years and may be only removed from office by the Governor for cause. Provides that the Independent Corrections Ombudsperson shall not be a current or former employee of the Department of Corrections, the Department of Juvenile Justice, or a contractor for those departments. Establishes the duties of the Independent Corrections Ombudsperson. Provides that the Independent Corrections Ombudsperson shall: (1) monitor and inspect facilities of the Department of Corrections; (2) investigate unresolved complaints from committed persons, their families, and corrections staff regarding correctional facility conditions and treatment of committed persons; (3) create a uniform reporting system and collect and analyze data related to deaths, suicides, sexual and physical assaults, lockdowns, staff vacancies and committed persons-to-staff ratios, visits to committed persons, and use of solitary confinement in correctional facilities; (4) conduct regular inspections of correctional facilities at least once every year for facilities not meeting standards, and at least once every 36 months for facilities that are meeting standards; and (5) publicly issue periodic facility inspection reports and an annual report with recommendations and a summary of data. Establishes other duties of the Independent Corrections Ombudsperson. Provides that the Independent Corrections Ombudsperson shall report regularly on its activities, investigations, and inspections, including an annual report, which shall be presented to and discussed at a meeting of the Corrections Oversight Committee and make other reports on topics of special interest. Provides that all reports of the Independent Corrections Ombudsperson shall be made available to the public online and provided to the Director of Corrections, the Governor, the Attorney General, and the House and Senate Judiciary Committees. Effective July 1, 2024.

LRB103 38401 RLC 68536 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 adding Article 2.8 to Chapter III as follows:

6 (730 ILCS 5/Ch. III Art. 2.8 heading new)

7 ARTICLE 2.8. DEPARTMENT OF CORRECTIONS INDEPENDENT

8 OMBUDSPERSON

9 (730 ILCS 5/3-2.8-1 new)

10 Sec. 3-2.8-1. Short title. This Article may be cited as
11 the Department of Corrections Independent Ombudsperson Law.

12 (730 ILCS 5/3-2.8-2 new)

13 Sec. 3-2.8-2. Purpose. The General Assembly finds that to
14 increase transparency and accountability in the State
15 corrections system, an Independent Corrections Ombudsperson's
16 office should be created to investigate complaints, inspect
17 correctional facilities, and recommend improvements in this
18 State's corrections system.

19 (730 ILCS 5/3-2.8-3 new)

20 Sec. 3-2.8-3. Appointment of Independent Corrections

1 Ombudsperson. The Corrections Oversight Committee created by
2 the Independent Corrections Oversight Committee Act shall
3 appoint the Independent Corrections Ombudsperson. The
4 Independent Corrections Ombudsperson shall serve a term of 6
5 years and may be only removed from office by the Governor for
6 cause. The Independent Corrections Ombudsperson shall not be a
7 current or former employee of the Department of Corrections,
8 the Department of Juvenile Justice, or a contractor for those
9 Departments.

10 (730 ILCS 5/3-2.8-4 new)

11 Sec. 3-2.8-4. Independent Corrections Ombudsperson's
12 duties.

13 (a) The Independent Corrections Ombudsperson shall:

14 (1) monitor and inspect facilities of the Department
15 of Corrections;

16 (2) investigate unresolved complaints from committed
17 persons, their families, and corrections staff regarding
18 correctional facility conditions and treatment of
19 committed persons;

20 (3) create a uniform reporting system and collect and
21 analyze data related to deaths, suicides, sexual and
22 physical assaults, lockdowns, staff vacancies and
23 committed persons-to-staff ratios, visits to committed
24 persons, and use of solitary confinement in correctional
25 facilities;

1 (4) conduct regular inspections of correctional
2 facilities at least once every year for facilities not
3 meeting standards, and at least once every 36 months for
4 facilities that are meeting standards; and

5 (5) publicly issue periodic facility inspection
6 reports and an annual report with recommendations and a
7 summary of data.

8 (b) The Independent Corrections Ombudsperson may:

9 (1) access and inspect any correctional facility at
10 any time, with or without prior notice to the Department
11 of Corrections or facility officials;

12 (2) have confidential and privileged interviews with
13 any corrections staff or committed person;

14 (3) access and review any Department of Corrections
15 documents related to correctional facility operations or
16 complaints received;

17 (4) establish a telephone hotline and complaint
18 submission forms for committed persons, their family
19 members, and corrections staff to use to submit complaints
20 to the Independent Corrections Ombudsperson via the
21 Internet, submission of a paper form, or submission of the
22 form via a secure, confidential Intranet system inside the
23 correctional facility.

24 (c) The Department of Corrections must respond in writing
25 within 20 days with a corrective action plan. The Independent
26 Corrections Ombudsperson shall monitor the Department's

1 compliance with corrective action plans issued in response to
2 inspection reports and recommendations.

3 (d) The Independent Corrections Ombudsperson shall
4 promptly respond to complaints and explain in writing any
5 decisions not to take action. The Independent Corrections
6 Ombudsperson shall treat complaints received as confidential
7 and protect the anonymity of people submitting complaints. The
8 Independent Corrections Ombudsperson shall initiate
9 investigations, on the Independent Corrections Ombudsperson's
10 own or in response to requests from corrections staff or
11 committed persons or their families, relating to correctional
12 facility conditions, abuse, or neglect, Department of
13 Corrections decisions or actions or omissions, policies,
14 rules, or procedures, or alleged legal violations by
15 correctional staff that adversely affect the health, safety,
16 welfare, and rights of committed persons.

17 (e) The Independent Corrections Ombudsperson shall issue a
18 decision on any investigations to the committed person
19 involved and to the Department of Corrections, with an
20 explanation of its decision and recommendations.

21 (f) The Independent Corrections Ombudsperson shall request
22 that the Department of Corrections respond to an Ombudsperson
23 decision on an investigation in writing, with an explanation
24 of the Department's action or inaction on the Independent
25 Corrections Ombudsperson's recommendations.

26 (g) The Independent Corrections Ombudsperson shall report

1 significant committed persons' health, safety, welfare, and
2 rehabilitation issues to the Governor, Attorney General, the
3 Director of Corrections, and the House and Senate Judiciary
4 Committees.

5 (h) The Department of Corrections, its employees, or
6 contractors may not terminate its employees nor retaliate
7 against any person who submits a complaint to the Independent
8 Corrections Ombudsperson. If the Department of Corrections
9 discharges an employee in retaliation for making complaints to
10 the Independent Corrections Ombudsperson, the terminated
11 employee may seek back-pay in a civil action against the
12 Department.

13 (i) The Independent Corrections Ombudsperson shall report
14 regularly on its activities, investigations, and inspections,
15 including an annual report, which shall be presented to and
16 discussed at a meeting of the Corrections Oversight Committee
17 and make other reports on topics of special interest. All
18 reports of the Independent Corrections Ombudsperson shall be
19 made available to the public online and provided to the
20 Director of Corrections, the Governor, the Attorney General,
21 and the House and Senate Judiciary Committees.

22 (j) The Independent Corrections Ombudsperson may hire
23 staff and unpaid volunteers and contract with experts to help
24 perform the Independent Corrections Ombudsperson's duties.

25 Section 99. Effective date. This Act takes effect July 1,
26 2024.

1 INDEX

2 Statutes amended in order of appearance

3 730 ILCS 5/Ch. III Art.

4 2.8 heading new

5 730 ILCS 5/3-2.8-1 new

6 730 ILCS 5/3-2.8-2 new

7 730 ILCS 5/3-2.8-3 new

8 730 ILCS 5/3-2.8-4 new