



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5431

Introduced 2/9/2024, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

See Index

Amends the County Department of Corrections Law. In provisions about pregnant prisoners, modifies the definitions of "post-partum" and "correctional institution", including that "correctional institution" includes institutions in all counties (rather than only in counties more than 3,000,000 inhabitants). Modifies and removes provisions relating to security restraints on a prisoner who is pregnant or in postpartum recovery. Adds provisions relating to annual reports by sheriffs documenting the number of pregnant prisoners in custody each year and the number of people who deliver or miscarry while in custody, relating to county department of corrections providing informational materials concerning the laws pertaining to pregnant prisoners to any pregnant or postpartum prisoner, and relating to supplemental nutrition for prisoners who are pregnant or lactating. Amends the Unified Code of Corrections and the County Jail Act making similar changes. In the Unified Code of Corrections, also adds language relating to restraints of committed persons who are pregnant. Amends the Health Care Violence Prevention Act. In provisions relating to pregnant prisoners, removes a limitation on the provisions to pregnant prisoners in the custody of the Cook County. Provides that restraint of a pregnant prisoner shall comply with specified provisions of the Counties Code, the Unified Code of Corrections, and the County Jail Act (rather than only the Counties Code provisions).

LRB103 39388 AWJ 69563 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Sections 3-15003.6, 3-15003.8, and 3-15003.9 and by adding
6 Section 3-15003.11 as follows:

7 (55 ILCS 5/3-15003.6)

8 Sec. 3-15003.6. Pregnant ~~female~~ prisoners.

9 (a) Definitions. For the purpose of this Section and the
10 Sections preceding Section 3-15004 ~~Sections 3-15003.7,~~
11 ~~3-15003.8, 3-15003.9, and 3-15003.10:~~

12 (1) "Restraints" means any physical restraint or
13 mechanical device used to control the movement of a
14 prisoner's body or limbs, or both, including, but not
15 limited to, flex cuffs, soft restraints, hard metal
16 handcuffs, a black box, Chubb cuffs, leg irons, belly
17 chains, a security (tether) chain, or a convex shield, or
18 shackles of any kind.

19 (2) "Labor" means the period of time before a birth
20 and shall include any medical condition in which an
21 individual ~~a woman~~ is sent or brought to the hospital for
22 the purpose of delivering a ~~her~~ baby. These situations
23 include: induction of labor, prodromal labor, pre-term

1 labor, prelabor rupture of membranes, the 3 stages of
2 active labor, uterine hemorrhage during the third
3 trimester of pregnancy, and caesarian delivery including
4 pre-operative preparation.

5 (3) "Postpartum" means the 6-week period following
6 birth unless determined to be a longer period by a
7 physician, advanced practice registered nurse, or
8 physician assistant. ~~"Post partum" means, as determined by~~
9 ~~her physician, advanced practice registered nurse, or~~
10 ~~physician assistant, the period immediately following~~
11 ~~delivery, including the entire period a woman is in the~~
12 ~~hospital or infirmary after birth.~~

13 (4) "Correctional institution" means any entity under
14 the authority of a county law enforcement division ~~of a~~
15 ~~county of more than 3,000,000 inhabitants~~ that has the
16 power to detain or restrain, or both, a person under the
17 laws of the State.

18 (5) "Corrections official" means the official that is
19 responsible for oversight of a correctional institution,
20 or his or her designee.

21 (6) "Prisoner" means any person incarcerated or
22 detained in any facility who is accused of, convicted of,
23 sentenced for, or adjudicated delinquent for, violations
24 of criminal law or the terms and conditions of parole,
25 probation, pretrial release, or diversionary program, and
26 any person detained under the immigration laws of the

1 United States at any correctional facility.

2 (7) "Extraordinary circumstance" means an
3 extraordinary medical or security circumstance, including
4 a substantial flight risk, that dictates restraints be
5 used to ensure the safety and security of the prisoner,
6 the staff of the correctional institution or medical
7 facility, other prisoners, or the public.

8 (b) A county department of corrections shall not apply
9 security restraints to a prisoner that has been determined by
10 a qualified medical professional to be pregnant or otherwise
11 ~~and~~ is known by the county department of corrections to be
12 pregnant or in postpartum recovery, ~~which is the entire period~~
13 ~~a woman is in the medical facility after birth,~~ unless the
14 corrections official makes an individualized determination
15 that the prisoner presents a substantial flight risk or some
16 other extraordinary circumstance that dictates security
17 restraints be used to ensure the safety and security of the
18 prisoner, the prisoner's ~~her~~ child or unborn child, the staff
19 of the county department of corrections or medical facility,
20 other prisoners, or the public. The protections set out in
21 clauses (b)(3) and (b)(4) of this Section shall apply to
22 security restraints used pursuant to this subsection. The
23 corrections official shall immediately remove all restraints
24 upon the written or oral request of medical personnel. The
25 corrections official shall immediately remove all approved
26 electronic monitoring devices, as that term is defined in

1 Section 5-8A-2 of the Unified Code of Corrections, of a
2 pregnant prisoner during labor and delivery. Oral requests
3 made by medical personnel shall be verified in writing as
4 promptly as reasonably possible.

5 (1) Qualified authorized health staff shall have the
6 authority to order therapeutic restraints for a pregnant
7 or postpartum prisoner who is a danger to the prisoner,
8 the prisoner's ~~herself, her~~ child, unborn child, or other
9 persons due to a psychiatric or medical disorder.
10 Therapeutic restraints may only be initiated, monitored
11 and discontinued by qualified and authorized health staff
12 and used to safely limit a prisoner's mobility for
13 psychiatric or medical reasons. No order for therapeutic
14 restraints shall be written unless medical or mental
15 health personnel, after personally observing and examining
16 the prisoner, are clinically satisfied that the use of
17 therapeutic restraints is justified and permitted in
18 accordance with hospital policies and applicable State
19 law. Metal handcuffs or shackles are not considered
20 therapeutic restraints.

21 (2) Whenever therapeutic restraints are used by
22 medical personnel, Section 2-108 of the Mental Health and
23 Developmental Disabilities Code shall apply.

24 (3) Leg irons, shackles or waist shackles shall not be
25 used on any pregnant or postpartum prisoner regardless of
26 security classification. Except for therapeutic restraints

1 under clause (b)(2), no restraints of any kind may be
2 applied to prisoners during labor.

3 (4) When a pregnant or postpartum prisoner must be
4 restrained, restraints used shall be the least restrictive
5 restraints possible to ensure the safety and security of
6 the prisoner, the prisoner's ~~her~~ child, unborn child, the
7 staff of the county department of corrections or medical
8 facility, other prisoners, or the public, and in no case
9 shall include leg irons, shackles or waist shackles.

10 (5) Upon the pregnant prisoner's entry into a hospital
11 room, and completion of initial room inspection, a
12 corrections official shall be posted immediately outside
13 the hospital room, unless requested to be in the room by
14 medical personnel attending to the prisoner's medical
15 needs.

16 (6) The county department of corrections shall provide
17 adequate corrections personnel to monitor the pregnant
18 prisoner during the prisoner's ~~her~~ transport to and from
19 the hospital and during the prisoner's ~~her~~ stay at the
20 hospital.

21 (7) Where the county department of corrections
22 requires prisoner safety assessments, a corrections
23 official may enter the hospital room to conduct periodic
24 prisoner safety assessments, except during a medical
25 examination or the delivery process.

26 (8) (Blank). ~~Upon discharge from a medical facility,~~

1 ~~postpartum prisoners shall be restrained only with~~
2 ~~handcuffs in front of the body during transport to the~~
3 ~~county department of corrections. A corrections official~~
4 ~~shall immediately remove all security restraints upon~~
5 ~~written or oral request by medical personnel. Oral~~
6 ~~requests made by medical personnel shall be verified in~~
7 ~~writing as promptly as reasonably possible.~~

8 (c) Enforcement. No later than 30 days before the end of
9 each fiscal year, the county sheriff or corrections official
10 of the correctional institution where a pregnant or postpartum
11 prisoner has been restrained during that previous fiscal year,
12 shall submit a written report to the Illinois General Assembly
13 and the Office of the Governor that includes an account of
14 every instance of prisoner restraint pursuant to this Section.
15 The written report shall state the date, time, location and
16 rationale for each instance in which restraints are used. The
17 written report shall not contain any individually identifying
18 information of any prisoner. Such reports shall be made
19 available for public inspection.

20 (d) Data reporting. No later than 30 days before the end of
21 each fiscal year, each county sheriff shall submit a written
22 report to the Illinois General Assembly and the Office of the
23 Governor that includes the number of pregnant prisoners in
24 custody each year and the number of people who deliver or
25 miscarry while in custody. The written report shall not
26 contain any individually identifying information of a

1 prisoner. The written report shall be made available for
2 public inspection.

3 (Source: P.A. 100-513, eff. 1-1-18; 101-652, eff. 7-1-21.)

4 (55 ILCS 5/3-15003.8)

5 Sec. 3-15003.8. Educational programming for pregnant
6 prisoners.

7 (a) The Illinois Department of Public Health shall provide
8 the county department of corrections with educational
9 programming relating to pregnancy and parenting and the county
10 department of corrections shall provide the programming to
11 pregnant prisoners. The programming must include instruction
12 regarding:

13 (1) appropriate prenatal care and hygiene;

14 (2) the effects of prenatal exposure to alcohol and
15 drugs on a developing fetus;

16 (3) parenting skills; and

17 (4) medical and mental health issues applicable to
18 children.

19 (b) Each county department of corrections shall provide
20 written informational materials concerning the laws pertaining
21 to pregnant prisoners to any pregnant or postpartum
22 individual. The Department of Public Health shall provide
23 these informational materials to the warden of the county
24 department of corrections at no cost to the county and the
25 county may accept informational materials from community-based

1 organizations specializing in the rights of pregnant
2 prisoners. The informational materials must include
3 information regarding:

4 (1) the prohibition against the use of restraints;

5 (2) rules concerning the treatment of pregnant
6 prisoners, including those relating to bed height and
7 supplemental nutrition;

8 (3) the right to spend time with a child following
9 delivery;

10 (4) the requirement to provide educational
11 programming;

12 (5) all rights under the Reproductive Health Act;

13 (6) the procedure for obtaining an abortion, if so
14 desired;

15 (7) any new or additional laws concerning the rights
16 of pregnant prisoners; and

17 (8) address or contact information for community
18 organizations specializing in the rights of pregnant
19 prisoners for questions or concerns.

20 (c) Each county department of corrections must also post
21 informational flyers wherever pregnant prisoners may be
22 housed.

23 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

24 (55 ILCS 5/3-15003.9)

25 Sec. 3-15003.9. Prisoner postpartum ~~post partum~~ recovery

1 requirements. A county department of corrections shall ensure
2 that, for a period of 72 hours after the birth of an infant by
3 a prisoner:

4 (1) the infant is allowed to remain with the prisoner,
5 unless a medical professional determines doing so would
6 pose a health or safety risk to the prisoner or infant; and

7 (2) the prisoner has access to any nutritional or
8 hygiene-related products necessary to care for the infant,
9 including diapers.

10 (Source: P.A. 101-652, eff. 7-1-21.)

11 (55 ILCS 5/3-15003.11 new)

12 Sec. 3-15003.11. Supplemental nutrition during pregnancy
13 or lactation. A prisoner who is pregnant or lactating,
14 including a prisoner who is nursing a baby or pumping
15 breastmilk, shall be provided supplemental nutrition of at
16 least 300 calories per day. This supplemental nutrition shall
17 be in addition to any regularly provided food and shall be
18 available outside of regular mealtimes.

19 Section 10. The Health Care Violence Prevention Act is
20 amended by changing Section 30 as follows:

21 (210 ILCS 160/30)

22 Sec. 30. Medical care for committed persons.

23 (a) If a committed person receives medical care and

1 treatment at a place other than an institution or facility of
2 the Department of Corrections, a county, or a municipality,
3 then the institution or facility shall:

4 (1) to the greatest extent practicable, notify the
5 hospital or medical facility that is treating the
6 committed person prior to the committed person's visit and
7 notify the hospital or medical facility of any significant
8 medical, mental health, recent violent actions, or other
9 safety concerns regarding the patient;

10 (2) to the greatest extent practicable, ensure the
11 transferred committed person is accompanied by the most
12 comprehensive medical records possible;

13 (3) provide at least one guard trained in custodial
14 escort and custody of high-risk committed persons to
15 accompany any committed person. The custodial agency shall
16 attest to such training for custodial escort and custody
17 of high-risk committed persons through: (A) the training
18 of the Department of Corrections, Department of Juvenile
19 Justice, or Illinois State Police; (B) law enforcement
20 training that is substantially equivalent to the training
21 of the Department of Corrections, Department of Juvenile
22 Justice, or Illinois State Police; or (C) the training
23 described in Section 35. Under no circumstances may leg
24 irons or shackles or waist shackles be used on any
25 pregnant ~~female~~ prisoner who is in labor. In addition,
26 restraint of a pregnant ~~female~~ prisoner ~~in the custody of~~

1 ~~the Cook County~~ shall comply with Section 3-15003.6 of the
2 Counties Code. Additionally, restraints shall not be used
3 on a committed person if medical personnel determine that
4 the restraints would impede medical treatment; and

5 (4) ensure that only medical personnel, Department of
6 Corrections, county, or municipality personnel, and
7 visitors on the committed person's approved institutional
8 visitors list may visit the committed person. Visitation
9 by a person on the committed person's approved
10 institutional visitors list shall be subject to the rules
11 and procedures of the hospital or medical facility and the
12 Department of Corrections, county, or municipality. In any
13 situation in which a committed person is being visited:

14 (A) the name of the visitor must be listed per the
15 facility's or institution's documentation;

16 (B) the visitor shall submit to the search of his
17 or her person or any personal property under his or her
18 control at any time; and

19 (C) the custodial agency may deny the committed
20 person access to a telephone or limit the number of
21 visitors the committed person may receive for purposes
22 of safety.

23 If a committed person receives medical care and treatment
24 at a place other than an institution or facility of the
25 Department of Corrections, county, or municipality, then the
26 custodial agency shall ensure that the committed person is

1 wearing security restraints in accordance with the custodial
2 agency's rules and procedures if the custodial agency
3 determines that restraints are necessary for the following
4 reasons: (i) to prevent physical harm to the committed person
5 or another person; (ii) because the committed person has a
6 history of disruptive behavior that has placed others in
7 potentially harmful situations or presents a substantial risk
8 of inflicting physical harm on himself or herself or others as
9 evidenced by recent behavior; or (iii) there is a well-founded
10 belief that the committed person presents a substantial risk
11 of flight. Under no circumstances may leg irons or shackles or
12 waist shackles be used on any pregnant ~~female~~ prisoner who is
13 in labor. In addition, restraint of a pregnant ~~female~~ prisoner
14 ~~in the custody of the Cook County~~ shall comply with Section
15 3-15003.6 of the Counties Code.

16 The hospital or medical facility may establish protocols
17 for the receipt of committed persons in collaboration with the
18 Department of Corrections, county, or municipality,
19 specifically with regard to potentially violent persons.

20 (b) If a committed person receives medical care and
21 treatment at a place other than an institution or facility of
22 the Department of Juvenile Justice, then the institution or
23 facility shall:

24 (1) to the greatest extent practicable, notify the
25 hospital or medical facility that is treating the
26 committed person prior to the committed person's visit,

1 and notify the hospital or medical facility of any
2 significant medical, mental health, recent violent
3 actions, or other safety concerns regarding the patient;

4 (2) to the greatest extent practicable, ensure the
5 transferred committed person is accompanied by the most
6 comprehensive medical records possible;

7 (3) provide: (A) at least one guard trained in
8 custodial escort and custody of high-risk committed
9 persons to accompany any committed person. The custodial
10 agency shall attest to such training for custodial escort
11 and custody of high-risk committed persons through: (i)
12 the training of the Department of Corrections, Department
13 of Juvenile Justice, or Illinois State Police, (ii) law
14 enforcement training that is substantially equivalent to
15 the training of the Department of Corrections, Department
16 of Juvenile Justice, or Illinois State Police, or (iii)
17 the training described in Section 35; or (B) 2 guards to
18 accompany the committed person at all times during the
19 visit to the hospital or medical facility; and

20 (4) ensure that only medical personnel, Department of
21 Juvenile Justice personnel, and visitors on the committed
22 person's approved institutional visitors list may visit
23 the committed person. Visitation by a person on the
24 committed person's approved institutional visitors list
25 shall be subject to the rules and procedures of the
26 hospital or medical facility and the Department of

1 Juvenile Justice. In any situation in which a committed
2 person is being visited:

3 (A) the name of the visitor must be listed per the
4 facility's or institution's documentation;

5 (B) the visitor shall submit to the search of his
6 or her person or any personal property under his or her
7 control at any time; and

8 (C) the custodial agency may deny the committed
9 person access to a telephone or limit the number of
10 visitors the committed person may receive for purposes
11 of safety.

12 If a committed person receives medical care and treatment
13 at a place other than an institution or facility of the
14 Department of Juvenile Justice, then the Department of
15 Juvenile Justice shall ensure that the committed person is
16 wearing security restraints on either his or her wrists or
17 ankles in accordance with the rules and procedures of the
18 Department of Juvenile Justice if the Department of Juvenile
19 Justice determines that restraints are necessary for the
20 following reasons: (i) to prevent physical harm to the
21 committed person or another person; (ii) because the committed
22 person has a history of disruptive behavior that has placed
23 others in potentially harmful situations or presents a
24 substantial risk of inflicting physical harm on himself or
25 herself or others as evidenced by recent behavior; or (iii)
26 there is a well-founded belief that the committed person

1 presents a substantial risk of flight. Any restraints used on
2 a committed person under this paragraph shall be the least
3 restrictive restraints necessary to prevent flight or physical
4 harm to the committed person or another person. Restraints
5 shall not be used on the committed person as provided in this
6 paragraph if medical personnel determine that the restraints
7 would impede medical treatment. Under no circumstances may leg
8 irons or shackles or waist shackles be used on any pregnant
9 ~~female~~ prisoner who is in labor. In addition, restraint of a
10 pregnant ~~female~~ prisoner ~~in the custody of the Cook County~~
11 shall comply with Section 3-15003.6 of the Counties Code.

12 The hospital or medical facility may establish protocols
13 for the receipt of committed persons in collaboration with the
14 Department of Juvenile Justice, specifically with regard to
15 persons recently exhibiting violence.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 Section 15. The Unified Code of Corrections is amended by
18 changing Sections 3-6-7, 3-6-7.2, 3-6-7.3, and 5-8A-4 and by
19 adding Sections 3-6-0.5 and 3-6-7.5 as follows:

20 (730 ILCS 5/3-6-0.5 new)

21 Sec. 3-6-0.5. Definitions. As used in this Section and
22 Sections 3-6-7, 3-6-7.2, 3-6-7.3, and 3-6-7.4:

23 "Extraordinary circumstance" means an extraordinary
24 medical or security circumstance, including a substantial

1 flight risk, that dictates restraints be used to ensure the
2 safety and security of the committed person, the staff of the
3 correctional institution or medical facility, other committed
4 persons, or the public.

5 "Labor" means the period of time before a birth and shall
6 include any medical condition in which an individual is sent
7 or brought to the hospital for the purpose of delivering a
8 baby. These situations include: induction of labor, prodromal
9 labor, pre-term labor, prelabor rupture of membranes, the 3
10 stages of active labor, uterine hemorrhage during the third
11 trimester of pregnancy, and caesarian delivery, including
12 pre-operative preparation.

13 "Postpartum" means the 6-week period following birth
14 unless determined to be a longer period by a physician,
15 advanced practice registered nurse, or physician assistant.

16 "Restraints" means any physical restraint or mechanical
17 device used to control the movement of a committed person's
18 body or limbs, or both, including, but not limited to, flex
19 cuffs, soft restraints, hard metal handcuffs, a black box,
20 Chubb cuffs, leg irons, belly chains, a security (tether)
21 chain, or a convex shield, or shackles of any kind.

22 (730 ILCS 5/3-6-7)

23 Sec. 3-6-7. Pregnant ~~female~~ committed persons.

24 (a) The Department shall not apply security restraints to
25 a committed person that has been determined by a qualified

1 medical professional to be pregnant or otherwise is known by
2 the Department to be pregnant or in postpartum recovery,
3 unless the correctional official makes an individualized
4 determination that the committed person presents a substantial
5 flight risk or some other extraordinary circumstance that
6 dictates security restraints be used to ensure the safety and
7 security of the committed person, the committed person's child
8 or unborn child, the staff of the Department or medical
9 facility, other committed persons, or the public. The
10 protections set out in paragraphs (3) and (4) of this Section
11 shall apply to security restraints used as provided in this
12 subsection. The correctional officer employed by the
13 Department shall immediately remove all restraints and
14 approved electronic monitoring devices, as that term is
15 defined in Section 5-8A-2 of the Unified Code of Corrections,
16 upon the written or oral request of medical personnel. Oral
17 requests made by medical personnel shall be verified in
18 writing as promptly as reasonably possible.

19 (1) Qualified authorized health staff shall have the
20 authority to order therapeutic restraints for a pregnant
21 or postpartum committed person who is a danger to the
22 committed person, the committed person's child, unborn
23 child, or other persons due to a psychiatric or medical
24 disorder. Therapeutic restraints may only be initiated,
25 monitored, and discontinued by qualified and authorized
26 health staff and used to safely limit a committed person's

1 mobility for psychiatric or medical reasons. No order for
2 therapeutic restraints shall be written unless medical or
3 mental health personnel, after personally observing and
4 examining the committed person, are clinically satisfied
5 that the use of therapeutic restraints is justified and
6 permitted in accordance with hospital policies and
7 applicable State law. Metal handcuffs or shackles are not
8 considered therapeutic restraints.

9 (2) Whenever therapeutic restraints are used by
10 medical personnel, Section 2-108 of the Mental Health and
11 Developmental Disabilities Code shall apply.

12 (3) Leg irons, shackles or waist shackles shall not be
13 used on any pregnant or postpartum committed person
14 regardless of security classification. Except for
15 therapeutic restraints under paragraph (2) of subsection
16 (b), no restraints of any kind may be applied to committed
17 persons during labor.

18 (4) When a pregnant or postpartum committed person
19 must be restrained, restraints used shall be the least
20 restrictive restraints possible to ensure the safety and
21 security of the committed person, the committed person's
22 child, unborn child, the staff of the Department or
23 medical facility, other committed persons, or the public,
24 and in no case shall include leg irons, shackles, or waist
25 shackles.

26 (5) Upon the pregnant committed person's entry into a

1 hospital room, and completion of initial room inspection,
2 a correctional officer shall be posted immediately outside
3 the hospital room unless requested to be in the room by
4 medical personnel attending to the committed person's
5 medical needs.

6 (6) The Department shall provide adequate corrections
7 personnel to monitor the pregnant committed person during
8 the committed person's transport to and from the hospital
9 and during the committed person's stay at the hospital.

10 (7) Where the correctional institution or facility
11 requires committed person safety assessments, a
12 correctional official may enter the hospital room to
13 conduct periodic committed person safety assessments,
14 except during a medical examination or the delivery
15 process.

16 (b) No later than 30 days before the end of each fiscal
17 year, the Department shall submit a written report to the
18 Illinois General Assembly and the Office of the Governor that
19 includes an account of every instance of committed person
20 restraint pursuant to this Section. The written report shall
21 state the date, time, location and rationale for each instance
22 in which restraints are used. The written report shall not
23 contain any individually identifying information of any
24 committed person. Such reports shall be made available for
25 public inspection.

26 (c) No later than 30 days before the end of each fiscal

1 year, the Department shall submit a written report to the
2 Illinois General Assembly and the Office of the Governor that
3 includes the number of pregnant committed persons in custody
4 each year and the number of people who deliver or miscarry
5 while in custody. The written report shall not contain any
6 individually identifying information of a prisoner. The
7 written report shall be made available for public inspection
8 ~~Notwithstanding any other statute, directive, or~~
9 ~~administrative regulation, when a pregnant female committed~~
10 ~~person is brought to a hospital from an Illinois correctional~~
11 ~~center for the purpose of delivering her baby, no handcuffs,~~
12 ~~shackles, or restraints of any kind may be used during her~~
13 ~~transport to a medical facility for the purpose of delivering~~
14 ~~her baby. Under no circumstances may leg irons or shackles or~~
15 ~~waist shackles be used on any pregnant female committed person~~
16 ~~who is in labor. Upon the pregnant female committed person's~~
17 ~~entry to the hospital delivery room, a correctional officer~~
18 ~~must be posted immediately outside the delivery room. The~~
19 ~~Department must provide for adequate personnel to monitor the~~
20 ~~pregnant female committed person during her transport to and~~
21 ~~from the hospital and during her stay at the hospital.~~

22 (Source: P.A. 91-253, eff. 1-1-00.)

23 (730 ILCS 5/3-6-7.2)

24 Sec. 3-6-7.2. Educational programming and information for
25 pregnant committed persons.

1 (a) The Department shall develop and provide to each
2 pregnant committed person educational programming relating to
3 pregnancy and parenting. The programming must include
4 instruction regarding:

5 (1) appropriate prenatal care and hygiene;

6 (2) the effects of prenatal exposure to alcohol and
7 drugs on a developing fetus;

8 (3) parenting skills; and

9 (4) medical and mental health issues applicable to
10 children.

11 (b) The Department shall provide informational materials
12 concerning the laws pertaining to pregnant committed persons
13 to any pregnant or postpartum individual. The Department of
14 Public Health and community-based organizations specializing
15 in the rights of pregnant committed persons shall provide
16 these information materials to the warden at no cost to the
17 county. The informational materials must include information
18 regarding:

19 (1) the prohibition against the use of restraints;

20 (2) rules concerning the treatment of pregnant
21 committed persons, including those relating to bed height
22 and supplemental nutrition;

23 (3) the right to spend time with a child following
24 delivery;

25 (4) the requirement to provide educational
26 programming;

- 1 (5) all rights under the Reproductive Health Act;
2 (6) the procedure for obtaining an abortion, if so
3 desired;
4 (7) any new or additional laws concerning the rights
5 of pregnant committed persons; and
6 (8) address or contact information for community
7 organizations specializing in the rights of pregnant
8 committed persons for questions or concerns;
9 (c) The Department must also post informational flyers
10 wherever pregnant committed persons may be housed.

11 (Source: P.A. 101-652, eff. 7-1-21; 102-813, eff. 5-13-22.)

12 (730 ILCS 5/3-6-7.3)

13 Sec. 3-6-7.3. Committed person postpartum ~~post-partum~~
14 recovery requirements. The Department shall ensure that, for a
15 period of 72 hours after the birth of an infant by a committed
16 person:

17 (1) the infant is allowed to remain with the committed
18 person, unless a medical professional determines doing so
19 would pose a health or safety risk to the committed person
20 or infant based on information only available to the
21 Department. The mental health professional shall make any
22 such determination on an individualized basis and in
23 consultation with the birthing team of the pregnant person
24 and the Chief of the Women's Division. The birthing team
25 shall include the committed person's perinatal care

1 providers and doula, if available; and

2 (2) the committed person has access to any nutritional
3 or hygiene-related products necessary to care for the
4 infant, including diapers.

5 (Source: P.A. 102-28, eff. 6-25-21; 103-154, eff. 6-30-23.)

6 (730 ILCS 5/3-6-7.5 new)

7 Sec. 3-6-7.5. Supplemental nutrition during pregnancy or
8 lactation. A committed person who is pregnant or lactating,
9 including a committed person who is nursing a baby or pumping
10 breastmilk, shall be provided supplemental nutrition of at
11 least 300 calories per day. This supplemental nutrition shall
12 be in addition to any regularly provided food and shall be
13 available outside of regular mealtimes.

14 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

15 Sec. 5-8A-4. Program description. The supervising
16 authority may promulgate rules that prescribe reasonable
17 guidelines under which an electronic monitoring and home
18 detention program shall operate. When using electronic
19 monitoring for home detention these rules may include, but not
20 be limited to, the following:

21 (A) The participant may be instructed to remain within
22 the interior premises or within the property boundaries of
23 his or her residence at all times during the hours
24 designated by the supervising authority. Such instances of

1 approved absences from the home shall include, but are not
2 limited to, the following:

3 (1) working or employment approved by the court or
4 traveling to or from approved employment;

5 (2) unemployed and seeking employment approved for
6 the participant by the court;

7 (3) undergoing medical, psychiatric, mental health
8 treatment, counseling, or other treatment programs
9 approved for the participant by the court;

10 (4) attending an educational institution or a
11 program approved for the participant by the court;

12 (5) attending a regularly scheduled religious
13 service at a place of worship;

14 (6) participating in community work release or
15 community service programs approved for the
16 participant by the supervising authority;

17 (7) for another compelling reason consistent with
18 the public interest, as approved by the supervising
19 authority; or

20 (8) purchasing groceries, food, or other basic
21 necessities.

22 (A-1) At a minimum, any person ordered to pretrial
23 home confinement with or without electronic monitoring
24 must be provided with movement spread out over no fewer
25 than two days per week, to participate in basic activities
26 such as those listed in paragraph (A). In this subdivision

1 (A-1), "days" means a reasonable time period during a
2 calendar day, as outlined by the court in the order
3 placing the person on home confinement.

4 (B) The participant shall admit any person or agent
5 designated by the supervising authority into his or her
6 residence at any time for purposes of verifying the
7 participant's compliance with the conditions of his or her
8 detention.

9 (C) The participant shall make the necessary
10 arrangements to allow for any person or agent designated
11 by the supervising authority to visit the participant's
12 place of education or employment at any time, based upon
13 the approval of the educational institution employer or
14 both, for the purpose of verifying the participant's
15 compliance with the conditions of his or her detention.

16 (D) The participant shall acknowledge and participate
17 with the approved electronic monitoring device as
18 designated by the supervising authority at any time for
19 the purpose of verifying the participant's compliance with
20 the conditions of his or her detention.

21 (E) The participant shall maintain the following:

22 (1) access to a working telephone;

23 (2) a monitoring device in the participant's home,
24 or on the participant's person, or both; and

25 (3) a monitoring device in the participant's home
26 and on the participant's person in the absence of a

1 telephone.

2 (F) The participant shall obtain approval from the
3 supervising authority before the participant changes
4 residence or the schedule described in subsection (A) of
5 this Section. Such approval shall not be unreasonably
6 withheld.

7 (G) The participant shall not commit another crime
8 during the period of home detention ordered by the Court.

9 (H) Notice to the participant that violation of the
10 order for home detention may subject the participant to
11 prosecution for the crime of escape as described in
12 Section 5-8A-4.1.

13 (I) The participant shall abide by other conditions as
14 set by the supervising authority.

15 The supervising authority shall adopt rules to immediately
16 remove all approved electronic monitoring devices of a
17 pregnant participant during labor and delivery.

18 ~~(J)~~ This Section takes effect January 1, 2022.

19 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
20 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)

21 Section 20. The County Jail Act is amended by changing
22 Sections 17.5, 17.7, and 17.8 and by adding Section 17.11 as
23 follows:

24 (730 ILCS 125/17.5)

1 Sec. 17.5. Pregnant ~~female~~ prisoners. Restraint of a
2 pregnant or postpartum prisoner shall comply with Section
3 3-15003.6 of the County Department of Corrections Law
4 ~~Notwithstanding any other statute, directive, or~~
5 ~~administrative regulation, when a pregnant female prisoner is~~
6 ~~brought to a hospital from a county jail for the purpose of~~
7 ~~delivering her baby, no handcuffs, shackles, or restraints of~~
8 ~~any kind may be used during her transport to a medical facility~~
9 ~~for the purpose of delivering her baby. Under no circumstances~~
10 ~~may leg irons or shackles or waist shackles be used on any~~
11 ~~pregnant female prisoner who is in labor. In addition,~~
12 ~~restraint of a pregnant female prisoner in the custody of the~~
13 ~~Cook County shall comply with Section 3-15003.6 of the~~
14 ~~Counties Code. Upon the pregnant female prisoner's entry to~~
15 ~~the hospital delivery room, 2 county correctional officers~~
16 ~~must be posted immediately outside the delivery room. The~~
17 ~~Sheriff must provide for adequate personnel to monitor the~~
18 ~~pregnant female prisoner during her transport to and from the~~
19 ~~hospital and during her stay at the hospital.~~

20 (Source: P.A. 100-1051, eff. 1-1-19.)

21 (730 ILCS 125/17.7)

22 Sec. 17.7. Educational programming and information for
23 pregnant prisoners.

24 (a) The Illinois Department of Public Health shall provide
25 the sheriff with educational programming relating to pregnancy

1 and parenting and the sheriff shall provide the programming to
2 pregnant prisoners. The programming must include instruction
3 regarding:

4 (1) appropriate prenatal care and hygiene;

5 (2) the effects of prenatal exposure to alcohol and
6 drugs on a developing fetus;

7 (3) parenting skills; and

8 (4) medical and mental health issues applicable to
9 children.

10 (b) Each sheriff shall provide informational materials
11 concerning the laws pertaining to pregnant prisoners to any
12 pregnant or postpartum individual. The Department of Public
13 Health shall provide these informational materials to the
14 warden of the sheriff at no cost to the county and the county
15 may accept informational materials from community-based
16 organizations specializing in the rights of pregnant
17 prisoners. The informational materials must include
18 information regarding:

19 (1) the prohibition against the use of restraints;

20 (2) rules concerning the treatment of pregnant
21 prisoners, including those relating to bed height and
22 supplemental nutrition;

23 (3) the right to spend time with a child following
24 delivery;

25 (4) the requirement to provide educational
26 programming;

- 1 (5) all rights under the Reproductive Health Act;
2 (6) the procedure for obtaining an abortion, if so
3 desired;
4 (7) any new or additional laws concerning the rights
5 of pregnant prisoners; and
6 (8) address or contact information for community
7 organizations specializing in the rights of pregnant
8 prisoners for questions or concerns.
9 (c) Each sheriff must also post informational flyers
10 wherever pregnant prisoners may be housed.

11 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

12 (730 ILCS 125/17.8)

13 Sec. 17.8. Prisoner postpartum ~~post-partum~~ recovery
14 requirements. The sheriff shall ensure that, for a period of
15 72 hours after the birth of an infant by a prisoner:

16 (1) the infant is allowed to remain with the prisoner,
17 unless a medical professional determines doing so would
18 pose a health or safety risk to the prisoner or infant; and

19 (2) the prisoner has access to any nutritional or
20 hygiene-related products necessary to care for the infant,
21 including diapers.

22 (Source: P.A. 101-652, eff. 7-1-21.)

23 (730 ILCS 125/17.11 new)

24 Sec. 17.11. Supplemental nutrition during pregnancy or

1 while lactating. A prisoner who is pregnant or lactating,
2 including a prisoner who is nursing a baby or pumping
3 breastmilk, shall be provided supplemental nutrition of at
4 least 300 calories per day. This supplemental nutrition shall
5 be in addition to any regularly provided food and shall be
6 available outside of regular mealtimes.

1 INDEX

2 Statutes amended in order of appearance

3 55 ILCS 5/3-15003.6

4 55 ILCS 5/3-15003.8

5 55 ILCS 5/3-15003.9

6 55 ILCS 5/3-15003.11 new

7 210 ILCS 160/30

8 730 ILCS 5/3-6-0.5 new

9 730 ILCS 5/3-6-7

10 730 ILCS 5/3-6-7.2

11 730 ILCS 5/3-6-7.3

12 730 ILCS 5/3-6-7.5 new

13 730 ILCS 5/5-8A-4 from Ch. 38, par. 1005-8A-4

14 730 ILCS 125/17.5

15 730 ILCS 125/17.7

16 730 ILCS 125/17.8

17 730 ILCS 125/17.11 new