

SB0087



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0087

Introduced 1/20/2023, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2

from Ch. 38, par. 1003-7-2

Amends the Unified Code of Corrections. Provides that all institutions and facilities of the Department of Corrections shall provide every committed person with access to bathing facilities once per day. Provides that in the case of a lockdown, access to bathing facilities may be restricted for the first 2 days. Provides that, if the lockdown continues for more than 2 days, a committed person shall be provided access to bathing facilities no less than once every 2 days for the duration of the lockdown.

LRB103 06017 RLC 51043 b

A BILL FOR

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 changing Section 3-7-2 as follows:

6 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

7 (Text of Section before amendment by P.A. 102-1111)

8 Sec. 3-7-2. Facilities.

9 (a) All institutions and facilities of the Department
10 shall provide every committed person with access to toilet
11 facilities, barber facilities, bathing facilities at least
12 once each week, a library of legal materials and published
13 materials including newspapers and magazines approved by the
14 Director. A committed person may not receive any materials
15 that the Director deems pornographic.

16 (b) (Blank).

17 (c) All institutions and facilities of the Department
18 shall provide facilities for every committed person to leave
19 his cell for at least one hour each day unless the chief
20 administrative officer determines that it would be harmful or
21 dangerous to the security or safety of the institution or
22 facility.

23 (d) All institutions and facilities of the Department

1 shall provide every committed person with a wholesome and
2 nutritional diet at regularly scheduled hours, drinking water,
3 clothing adequate for the season, bedding, soap and towels and
4 medical and dental care.

5 (e) All institutions and facilities of the Department
6 shall permit every committed person to send and receive an
7 unlimited number of uncensored letters, provided, however,
8 that the Director may order that mail be inspected and read for
9 reasons of the security, safety or morale of the institution
10 or facility.

11 (f) All of the institutions and facilities of the
12 Department shall permit every committed person to receive
13 in-person visitors and video contact, if available, except in
14 case of abuse of the visiting privilege or when the chief
15 administrative officer determines that such visiting would be
16 harmful or dangerous to the security, safety or morale of the
17 institution or facility. Each committed person is entitled to
18 7 visits per month. Every committed person may submit a list of
19 at least 30 persons to the Department that are authorized to
20 visit the committed person. The list shall be kept in an
21 electronic format by the Department beginning on August 1,
22 2019, as well as available in paper form for Department
23 employees. The chief administrative officer shall have the
24 right to restrict visitation to non-contact visits, video, or
25 other forms of non-contact visits for reasons of safety,
26 security, and order, including, but not limited to,

1 restricting contact visits for committed persons engaged in
2 gang activity. No committed person in a super maximum security
3 facility or on disciplinary segregation is allowed contact
4 visits. Any committed person found in possession of illegal
5 drugs or who fails a drug test shall not be permitted contact
6 visits for a period of at least 6 months. Any committed person
7 involved in gang activities or found guilty of assault
8 committed against a Department employee shall not be permitted
9 contact visits for a period of at least 6 months. The
10 Department shall offer every visitor appropriate written
11 information concerning HIV and AIDS, including information
12 concerning how to contact the Illinois Department of Public
13 Health for counseling information. The Department shall
14 develop the written materials in consultation with the
15 Department of Public Health. The Department shall ensure that
16 all such information and materials are culturally sensitive
17 and reflect cultural diversity as appropriate. Implementation
18 of the changes made to this Section by Public Act 94-629 is
19 subject to appropriation. The Department shall seek the lowest
20 possible cost to provide video calling and shall charge to the
21 extent of recovering any demonstrated costs of providing video
22 calling. The Department shall not make a commission or profit
23 from video calling services. Nothing in this Section shall be
24 construed to permit video calling instead of in-person
25 visitation.

26 (f-5) (Blank).

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

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

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

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

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

13 (D) the type of identification, if any, required for
14 visitors under 18 years of age.

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

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

22 (g) All institutions and facilities of the Department
23 shall permit religious ministrations and sacraments to be
24 available to every committed person, but attendance at
25 religious services shall not be required.

26 (h) Within 90 days after December 31, 1996, the Department

1 shall prohibit the use of curtains, cell-coverings, or any
2 other matter or object that obstructs or otherwise impairs the
3 line of vision into a committed person's cell.

4 (i) A point of contact person appointed under subsection
5 (u-6) of Section 3-2-2 of this Code shall promptly and
6 efficiently review suggestions, complaints, and other requests
7 made by visitors to institutions and facilities of the
8 Department and by other members of the public. Based on the
9 nature of the submission, the point of contact person shall
10 communicate with the appropriate division of the Department,
11 disseminate the concern or complaint, and act as liaison
12 between the parties to reach a resolution.

13 (1) The point of contact person shall maintain
14 information about the subject matter of each
15 correspondence, including, but not limited to, information
16 about the following subjects:

17 (A) the parties making the submission;

18 (B) any commissary-related concerns;

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

21 (D) any concerns about mail, video, or electronic
22 messages or other communications with incarcerated
23 persons;

24 (E) any concerns about the institution or
25 facility;

26 (F) any discipline-related concerns;

- 1 (G) any concerns about earned sentencing credits;
- 2 (H) any concerns about educational opportunities
- 3 for incarcerated persons;
- 4 (I) any concerns about health-related matters;
- 5 (J) any mental health concerns;
- 6 (K) any concerns about personal property;
- 7 (L) any concerns about the records of the
- 8 incarcerated person;
- 9 (M) any concerns about recreational opportunities
- 10 for incarcerated persons;
- 11 (N) any staffing-related concerns;
- 12 (O) any concerns about the transfer of individuals
- 13 in custody;
- 14 (P) any concerns about visitation; and
- 15 (Q) any concerns about work opportunities for
- 16 incarcerated persons.

17 The information shall be maintained in accordance with

18 standards set by the Department of Corrections, and shall

19 be made available to the Department's Planning and

20 Research Division. The point of contact person shall

21 provide a summary of the results of the review, including

22 any resolution or recommendations made as a result of

23 correspondence with the Planning and Research Division of

24 the Department.

25 (2) The Department shall provide an annual written

26 report to the General Assembly and the Governor, with the

1 first report due no later than January 1, 2023, and
2 publish the report on its website within 48 hours after
3 the report is transmitted to the Governor and the General
4 Assembly. The report shall include a summary of activities
5 undertaken and completed as a result of submissions to the
6 point of contact person. The Department of Corrections
7 shall collect and report the following aggregated and
8 disaggregated data for each institution and facility and
9 describe:

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

11 (B) the general nature of suggestions, complaints,
12 and other requests submitted to the point of contact
13 person;

14 (C) the volume of emails, calls, letters, and
15 other correspondence received by the point of contact
16 person;

17 (D) the resolutions reached or recommendations
18 made as a result of the point of contact person's
19 review;

20 (E) whether, if an investigation is recommended, a
21 report of the complaint was forwarded to the Chief
22 Inspector of the Department or other Department
23 employee, and the resolution of the complaint, and if
24 the investigation has not concluded, a detailed status
25 report on the complaint; and

26 (F) any recommendations that the point of contact

1 person has relating to systemic issues in the
2 Department of Corrections, and any other matters for
3 consideration by the General Assembly and the
4 Governor.

5 The name, address, or other personally identifiable
6 information of a person who files a complaint, suggestion,
7 or other request with the point of contact person, and
8 confidential records shall be redacted from the annual
9 report and are not subject to disclosure under the Freedom
10 of Information Act. The Department shall disclose the
11 records only if required by a court order on a showing of
12 good cause.

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

16 (A) a short statement notifying visitors of the
17 point of contact person and that person's duty to
18 receive suggestions, complaints, or other requests;
19 and

20 (B) information on how to submit suggestions,
21 complaints, or other requests to the point of contact
22 person.

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

24 (Text of Section after amendment by P.A. 102-1111)

25 Sec. 3-7-2. Facilities.

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2 shall provide every committed person with access to toilet
3 facilities, barber facilities, bathing facilities ~~at least~~
4 ~~once each week~~, a library of legal materials and published
5 materials including newspapers and magazines approved by the
6 Director. A committed person may not receive any materials
7 that the Director deems pornographic.

8 (a-5) All institutions and facilities of the Department
9 shall provide every committed person with access to bathing
10 facilities once per day. In the case of a lockdown, access to
11 bathing facilities may be restricted for the first 2 days. If
12 the lockdown continues for more than 2 days, a committed
13 person shall be provided access to bathing facilities no less
14 than once every 2 days for the duration of the lockdown.

15 (b) (Blank).

16 (c) All institutions and facilities of the Department
17 shall provide facilities for every committed person to leave
18 his cell for at least one hour each day unless the chief
19 administrative officer determines that it would be harmful or
20 dangerous to the security or safety of the institution or
21 facility.

22 (d) All institutions and facilities of the Department
23 shall provide every committed person with a wholesome and
24 nutritional diet at regularly scheduled hours, drinking water,
25 clothing adequate for the season, including underwear,
26 bedding, soap and towels and medical and dental care.

1 Underwear provided to each committed person in all
2 institutions and facilities of the Department shall be free of
3 charge and shall be provided at any time upon request,
4 including multiple requests, of the committed person or as
5 needed by the committed person.

6 (e) All institutions and facilities of the Department
7 shall permit every committed person to send and receive an
8 unlimited number of uncensored letters, provided, however,
9 that the Director may order that mail be inspected and read for
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22 complaints, or other requests to the point of contact
23 person.

24 (j) ~~(i)~~ Menstrual hygiene products shall be available, as
25 needed, free of charge, at all institutions and facilities of
26 the Department for all committed persons who menstruate. In

1 this subsection (j) ~~(i)~~, "menstrual hygiene products" means
2 tampons and sanitary napkins for use in connection with the
3 menstrual cycle.

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

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.