



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2018

Introduced 2/9/2023, by Sen. Ann Gillespie

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2

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

730 ILCS 5/3-2-5.5

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall establish a Life Skills Reentry Center for Women. Provides that the Life Skills Reentry Center for Women shall build valuable life skills and prepare women committed persons for reentry into society while maintaining safety and security. Provides that the Center shall focus on committed persons who are ready to make needed changes in order to successfully reintegrate into their community upon release from the custody of the Department of Corrections. Provides that the Center shall offer educational, job readiness, and cognitive behavior therapy courses to women committed persons who have one to 4 years remaining on their sentence and qualify for placement at the Center. Provides that the Chief Administrator for the Women's Division of the Department of Corrections shall determine eligibility of women committed persons for the program and shall assign eligible committed persons to the Center based upon the conduct of the women committed at other correctional institutions, their desire to rehabilitate, and the likelihood of their non-recidivism. Provides that the programs offered at the Center include: prevocational and reentry related life skills, adult basic education, high school equivalency courses, literacy courses, creative writing courses, training for vocations, including welding, manufacturing, restaurant management, and custodial maintenance. Provides that women assigned to the Center may participate in Alcoholics Anonymous, other 12-step programs for recovery from alcoholism or substance use disorder, worship and chaplaincy services, religious studies, family days, job partnership programs, substance use disorder therapy programs, critical thinking, cultural self-awareness programs, and various mental health services, including art therapy.

LRB103 28336 RLC 54715 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 changing Sections 3-2-2 and 3-2-5.5 as follows:

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

7 Sec. 3-2-2. Powers and duties of the Department.

8 (1) In addition to the powers, duties, and  
9 responsibilities which are otherwise provided by law, the  
10 Department shall have the following powers:

11 (a) To accept persons committed to it by the courts of  
12 this State for care, custody, treatment, and  
13 rehabilitation, and to accept federal prisoners and  
14 noncitizens over whom the Office of the Federal Detention  
15 Trustee is authorized to exercise the federal detention  
16 function for limited purposes and periods of time.

17 (b) To develop and maintain reception and evaluation  
18 units for purposes of analyzing the custody and  
19 rehabilitation needs of persons committed to it and to  
20 assign such persons to institutions and programs under its  
21 control or transfer them to other appropriate agencies. In  
22 consultation with the Department of Alcoholism and  
23 Substance Abuse (now the Department of Human Services),

1 the Department of Corrections shall develop a master plan  
2 for the screening and evaluation of persons committed to  
3 its custody who have alcohol or drug abuse problems, and  
4 for making appropriate treatment available to such  
5 persons; the Department shall report to the General  
6 Assembly on such plan not later than April 1, 1987. The  
7 maintenance and implementation of such plan shall be  
8 contingent upon the availability of funds.

9 (b-1) To create and implement, on January 1, 2002, a  
10 pilot program to establish the effectiveness of  
11 pupillometer technology (the measurement of the pupil's  
12 reaction to light) as an alternative to a urine test for  
13 purposes of screening and evaluating persons committed to  
14 its custody who have alcohol or drug problems. The pilot  
15 program shall require the pupillometer technology to be  
16 used in at least one Department of Corrections facility.  
17 The Director may expand the pilot program to include an  
18 additional facility or facilities as he or she deems  
19 appropriate. A minimum of 4,000 tests shall be included in  
20 the pilot program. The Department must report to the  
21 General Assembly on the effectiveness of the program by  
22 January 1, 2003.

23 (b-5) To develop, in consultation with the Illinois  
24 State Police, a program for tracking and evaluating each  
25 inmate from commitment through release for recording his  
26 or her gang affiliations, activities, or ranks.

1           (c) To maintain and administer all State correctional  
2 institutions and facilities under its control and to  
3 establish new ones as needed. Pursuant to its power to  
4 establish new institutions and facilities, the Department  
5 may, with the written approval of the Governor, authorize  
6 the Department of Central Management Services to enter  
7 into an agreement of the type described in subsection (d)  
8 of Section 405-300 of the Department of Central Management  
9 Services Law. The Department shall designate those  
10 institutions which shall constitute the State Penitentiary  
11 System. The Department of Juvenile Justice shall maintain  
12 and administer all State youth centers pursuant to  
13 subsection (d) of Section 3-2.5-20.

14           Pursuant to its power to establish new institutions  
15 and facilities, the Department may authorize the  
16 Department of Central Management Services to accept bids  
17 from counties and municipalities for the construction,  
18 remodeling, or conversion of a structure to be leased to  
19 the Department of Corrections for the purposes of its  
20 serving as a correctional institution or facility. Such  
21 construction, remodeling, or conversion may be financed  
22 with revenue bonds issued pursuant to the Industrial  
23 Building Revenue Bond Act by the municipality or county.  
24 The lease specified in a bid shall be for a term of not  
25 less than the time needed to retire any revenue bonds used  
26 to finance the project, but not to exceed 40 years. The

1 lease may grant to the State the option to purchase the  
2 structure outright.

3 Upon receipt of the bids, the Department may certify  
4 one or more of the bids and shall submit any such bids to  
5 the General Assembly for approval. Upon approval of a bid  
6 by a constitutional majority of both houses of the General  
7 Assembly, pursuant to joint resolution, the Department of  
8 Central Management Services may enter into an agreement  
9 with the county or municipality pursuant to such bid.

10 (c-5) To build and maintain regional juvenile  
11 detention centers and to charge a per diem to the counties  
12 as established by the Department to defray the costs of  
13 housing each minor in a center. In this subsection (c-5),  
14 "juvenile detention center" means a facility to house  
15 minors during pendency of trial who have been transferred  
16 from proceedings under the Juvenile Court Act of 1987 to  
17 prosecutions under the criminal laws of this State in  
18 accordance with Section 5-805 of the Juvenile Court Act of  
19 1987, whether the transfer was by operation of law or  
20 permissive under that Section. The Department shall  
21 designate the counties to be served by each regional  
22 juvenile detention center.

23 (d) To develop and maintain programs of control,  
24 rehabilitation, and employment of committed persons within  
25 its institutions.

26 (d-5) To provide a pre-release job preparation program

1 for inmates at Illinois adult correctional centers.

2 (d-10) To provide educational and visitation  
3 opportunities to committed persons within its institutions  
4 through temporary access to content-controlled tablets  
5 that may be provided as a privilege to committed persons  
6 to induce or reward compliance.

7 (e) To establish a system of supervision and guidance  
8 of committed persons in the community.

9 (f) To establish in cooperation with the Department of  
10 Transportation to supply a sufficient number of prisoners  
11 for use by the Department of Transportation to clean up  
12 the trash and garbage along State, county, township, or  
13 municipal highways as designated by the Department of  
14 Transportation. The Department of Corrections, at the  
15 request of the Department of Transportation, shall furnish  
16 such prisoners at least annually for a period to be agreed  
17 upon between the Director of Corrections and the Secretary  
18 of Transportation. The prisoners used on this program  
19 shall be selected by the Director of Corrections on  
20 whatever basis he deems proper in consideration of their  
21 term, behavior and earned eligibility to participate in  
22 such program - where they will be outside of the prison  
23 facility but still in the custody of the Department of  
24 Corrections. Prisoners convicted of first degree murder,  
25 or a Class X felony, or armed violence, or aggravated  
26 kidnapping, or criminal sexual assault, aggravated

1 criminal sexual abuse or a subsequent conviction for  
2 criminal sexual abuse, or forcible detention, or arson, or  
3 a prisoner adjudged a Habitual Criminal shall not be  
4 eligible for selection to participate in such program. The  
5 prisoners shall remain as prisoners in the custody of the  
6 Department of Corrections and such Department shall  
7 furnish whatever security is necessary. The Department of  
8 Transportation shall furnish trucks and equipment for the  
9 highway cleanup program and personnel to supervise and  
10 direct the program. Neither the Department of Corrections  
11 nor the Department of Transportation shall replace any  
12 regular employee with a prisoner.

13 (g) To maintain records of persons committed to it and  
14 to establish programs of research, statistics, and  
15 planning.

16 (h) To investigate the grievances of any person  
17 committed to the Department and to inquire into any  
18 alleged misconduct by employees or committed persons; and  
19 for these purposes it may issue subpoenas and compel the  
20 attendance of witnesses and the production of writings and  
21 papers, and may examine under oath any witnesses who may  
22 appear before it; to also investigate alleged violations  
23 of a parolee's or releasee's conditions of parole or  
24 release; and for this purpose it may issue subpoenas and  
25 compel the attendance of witnesses and the production of  
26 documents only if there is reason to believe that such

1 procedures would provide evidence that such violations  
2 have occurred.

3 If any person fails to obey a subpoena issued under  
4 this subsection, the Director may apply to any circuit  
5 court to secure compliance with the subpoena. The failure  
6 to comply with the order of the court issued in response  
7 thereto shall be punishable as contempt of court.

8 (i) To appoint and remove the chief administrative  
9 officers, and administer programs of training and  
10 development of personnel of the Department. Personnel  
11 assigned by the Department to be responsible for the  
12 custody and control of committed persons or to investigate  
13 the alleged misconduct of committed persons or employees  
14 or alleged violations of a parolee's or releasee's  
15 conditions of parole shall be conservators of the peace  
16 for those purposes, and shall have the full power of peace  
17 officers outside of the facilities of the Department in  
18 the protection, arrest, retaking, and reconfining of  
19 committed persons or where the exercise of such power is  
20 necessary to the investigation of such misconduct or  
21 violations. This subsection shall not apply to persons  
22 committed to the Department of Juvenile Justice under the  
23 Juvenile Court Act of 1987 on aftercare release.

24 (j) To cooperate with other departments and agencies  
25 and with local communities for the development of  
26 standards and programs for better correctional services in



1 this State.

2 (k) To administer all moneys and properties of the  
3 Department.

4 (l) To report annually to the Governor on the  
5 committed persons, institutions, and programs of the  
6 Department.

7 (l-5) (Blank).

8 (m) To make all rules and regulations and exercise all  
9 powers and duties vested by law in the Department.

10 (n) To establish rules and regulations for  
11 administering a system of sentence credits, established in  
12 accordance with Section 3-6-3, subject to review by the  
13 Prisoner Review Board.

14 (o) To administer the distribution of funds from the  
15 State Treasury to reimburse counties where State penal  
16 institutions are located for the payment of assistant  
17 state's attorneys' salaries under Section 4-2001 of the  
18 Counties Code.

19 (p) To exchange information with the Department of  
20 Human Services and the Department of Healthcare and Family  
21 Services for the purpose of verifying living arrangements  
22 and for other purposes directly connected with the  
23 administration of this Code and the Illinois Public Aid  
24 Code.

25 (q) To establish a diversion program.

26 The program shall provide a structured environment for

1 selected technical parole or mandatory supervised release  
2 violators and committed persons who have violated the  
3 rules governing their conduct while in work release. This  
4 program shall not apply to those persons who have  
5 committed a new offense while serving on parole or  
6 mandatory supervised release or while committed to work  
7 release.

8 Elements of the program shall include, but shall not  
9 be limited to, the following:

10 (1) The staff of a diversion facility shall  
11 provide supervision in accordance with required  
12 objectives set by the facility.

13 (2) Participants shall be required to maintain  
14 employment.

15 (3) Each participant shall pay for room and board  
16 at the facility on a sliding-scale basis according to  
17 the participant's income.

18 (4) Each participant shall:

19 (A) provide restitution to victims in  
20 accordance with any court order;

21 (B) provide financial support to his  
22 dependents; and

23 (C) make appropriate payments toward any other  
24 court-ordered obligations.

25 (5) Each participant shall complete community  
26 service in addition to employment.

1           (6) Participants shall take part in such  
2 counseling, educational, and other programs as the  
3 Department may deem appropriate.

4           (7) Participants shall submit to drug and alcohol  
5 screening.

6           (8) The Department shall promulgate rules  
7 governing the administration of the program.

8           (r) To enter into intergovernmental cooperation  
9 agreements under which persons in the custody of the  
10 Department may participate in a county impact  
11 incarceration program established under Section 3-6038 or  
12 3-15003.5 of the Counties Code.

13           (r-5) (Blank).

14           (r-10) To systematically and routinely identify with  
15 respect to each streetgang active within the correctional  
16 system: (1) each active gang; (2) every existing  
17 inter-gang affiliation or alliance; and (3) the current  
18 leaders in each gang. The Department shall promptly  
19 segregate leaders from inmates who belong to their gangs  
20 and allied gangs. "Segregate" means no physical contact  
21 and, to the extent possible under the conditions and space  
22 available at the correctional facility, prohibition of  
23 visual and sound communication. For the purposes of this  
24 paragraph (r-10), "leaders" means persons who:

25           (i) are members of a criminal streetgang;

26           (ii) with respect to other individuals within the

1 streetgang, occupy a position of organizer,  
2 supervisor, or other position of management or  
3 leadership; and

4 (iii) are actively and personally engaged in  
5 directing, ordering, authorizing, or requesting  
6 commission of criminal acts by others, which are  
7 punishable as a felony, in furtherance of streetgang  
8 related activity both within and outside of the  
9 Department of Corrections.

10 "Streetgang", "gang", and "streetgang related" have the  
11 meanings ascribed to them in Section 10 of the Illinois  
12 Streetgang Terrorism Omnibus Prevention Act.

13 (s) To operate a super-maximum security institution,  
14 in order to manage and supervise inmates who are  
15 disruptive or dangerous and provide for the safety and  
16 security of the staff and the other inmates.

17 (t) To monitor any unprivileged conversation or any  
18 unprivileged communication, whether in person or by mail,  
19 telephone, or other means, between an inmate who, before  
20 commitment to the Department, was a member of an organized  
21 gang and any other person without the need to show cause or  
22 satisfy any other requirement of law before beginning the  
23 monitoring, except as constitutionally required. The  
24 monitoring may be by video, voice, or other method of  
25 recording or by any other means. As used in this  
26 subdivision (1)(t), "organized gang" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang  
2 Terrorism Omnibus Prevention Act.

3 As used in this subdivision (1)(t), "unprivileged  
4 conversation" or "unprivileged communication" means a  
5 conversation or communication that is not protected by any  
6 privilege recognized by law or by decision, rule, or order  
7 of the Illinois Supreme Court.

8 (u) To establish a Women's and Children's Pre-release  
9 Community Supervision Program for the purpose of providing  
10 housing and services to eligible female inmates, as  
11 determined by the Department, and their newborn and young  
12 children.

13 (u-5) To issue an order, whenever a person committed  
14 to the Department absconds or absents himself or herself,  
15 without authority to do so, from any facility or program  
16 to which he or she is assigned. The order shall be  
17 certified by the Director, the Supervisor of the  
18 Apprehension Unit, or any person duly designated by the  
19 Director, with the seal of the Department affixed. The  
20 order shall be directed to all sheriffs, coroners, and  
21 police officers, or to any particular person named in the  
22 order. Any order issued pursuant to this subdivision  
23 (1)(u-5) shall be sufficient warrant for the officer or  
24 person named in the order to arrest and deliver the  
25 committed person to the proper correctional officials and  
26 shall be executed the same as criminal process.

1           (u-6) To appoint a point of contact person who shall  
2           receive suggestions, complaints, or other requests to the  
3           Department from visitors to Department institutions or  
4           facilities and from other members of the public.

5           (v) To do all other acts necessary to carry out the  
6           provisions of this Chapter.

7           (2) The Department of Corrections shall by January 1,  
8           1998, consider building and operating a correctional facility  
9           within 100 miles of a county of over 2,000,000 inhabitants,  
10          especially a facility designed to house juvenile participants  
11          in the impact incarceration program.

12          (3) When the Department lets bids for contracts for  
13          medical services to be provided to persons committed to  
14          Department facilities by a health maintenance organization,  
15          medical service corporation, or other health care provider,  
16          the bid may only be let to a health care provider that has  
17          obtained an irrevocable letter of credit or performance bond  
18          issued by a company whose bonds have an investment grade or  
19          higher rating by a bond rating organization.

20          (4) When the Department lets bids for contracts for food  
21          or commissary services to be provided to Department  
22          facilities, the bid may only be let to a food or commissary  
23          services provider that has obtained an irrevocable letter of  
24          credit or performance bond issued by a company whose bonds  
25          have an investment grade or higher rating by a bond rating  
26          organization.

1           (5) On and after the date 6 months after August 16, 2013  
2           (the effective date of Public Act 98-488), as provided in the  
3           Executive Order 1 (2012) Implementation Act, all of the  
4           powers, duties, rights, and responsibilities related to State  
5           healthcare purchasing under this Code that were transferred  
6           from the Department of Corrections to the Department of  
7           Healthcare and Family Services by Executive Order 3 (2005) are  
8           transferred back to the Department of Corrections; however,  
9           powers, duties, rights, and responsibilities related to State  
10          healthcare purchasing under this Code that were exercised by  
11          the Department of Corrections before the effective date of  
12          Executive Order 3 (2005) but that pertain to individuals  
13          resident in facilities operated by the Department of Juvenile  
14          Justice are transferred to the Department of Juvenile Justice.

15          (6) The Department of Corrections shall establish a Life  
16          Skills reentry Center for Women. The Life Skills reentry  
17          Center for Women shall build valuable life skills and prepare  
18          women committed persons for reentry into society while  
19          maintaining safety and security. The Center shall focus on  
20          committed persons who are ready to make needed changes in  
21          order to successfully reintegrate into their community upon  
22          release from the custody of the Department of Corrections. The  
23          Center shall offer educational, job readiness, and cognitive  
24          behavior therapy courses to women committed persons who have  
25          one to 4 years remaining on their sentence and qualify for  
26          placement at the Center. The Chief Administrator for the

1 Women's Division shall determine eligibility of women  
2 committed persons for the program and shall assign eligible  
3 committed persons to the Center based upon the conduct of the  
4 women committed at other correctional institutions, their  
5 desire to rehabilitate, and the likelihood of their  
6 non-recidivism. The programs offered at the Center include:  
7 prevocational and reentry related life skills, adult basic  
8 education, high school equivalency courses, literacy courses,  
9 creative writing courses, training for vocations, including  
10 welding, manufacturing, restaurant management, and custodial  
11 maintenance. Women assigned to the Center may participate in  
12 Alcoholics Anonymous, other 12-step programs for recovery from  
13 alcoholism or substance use disorder, worship and chaplaincy  
14 services, religious studies, family days, job partnership  
15 programs, substance use disorder therapy programs, critical  
16 thinking, cultural self-awareness programs, and various mental  
17 health services, including art therapy.

18 (Source: P.A. 101-235, eff. 1-1-20; 102-350, eff. 8-13-21;  
19 102-535, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff.  
20 5-13-22; 102-1030, eff. 5-27-22.)

21 (730 ILCS 5/3-2-5.5)

22 Sec. 3-2-5.5. Women's Division.

23 (a) As used in this Section:

24 "Gender-responsive" means taking into account gender  
25 specific differences that have been identified in



1 women-centered research, including, but not limited to,  
2 socialization, psychological development, strengths, risk  
3 factors, pathways through systems, responses to treatment  
4 intervention, and other unique gender specific needs  
5 facing justice-involved women. Gender responsive policies,  
6 practices, programs, and services shall be implemented in  
7 a manner that is considered relational, culturally  
8 competent, family-centered, holistic, strength-based, and  
9 trauma-informed.

10 "Trauma-informed practices" means practices  
11 incorporating gender violence research and the impact of  
12 all forms of trauma in designing and implementing  
13 policies, practices, processes, programs, and services  
14 that involve understanding, recognizing, and responding to  
15 the effects of all types of trauma with emphasis on  
16 physical, psychological, and emotional safety.

17 (b) The Department shall create a permanent Women's  
18 Division under the direct supervision of the Director. The  
19 Women's Division shall have statewide authority and  
20 operational oversight for all of the Department's women's  
21 correctional centers and women's adult transition centers.

22 (c) The Director shall appoint a Chief Administrator for  
23 the Women's Division who has received nationally recognized  
24 specialized training in gender-responsive and trauma-informed  
25 practices. The Chief Administrator shall be responsible for:

26 (1) management and supervision of all employees

1 assigned to the Women's Division correctional centers and  
2 adult transition centers;

3 (2) development and implementation of evidence-based,  
4 gender-responsive, and trauma-informed practices that  
5 govern Women's Division operations and programs;

6 (3) development of the Women's Division training,  
7 orientation, and cycle curriculum, which shall be updated  
8 as needed to align with gender responsive and  
9 trauma-informed practices;

10 (4) training all staff assigned to the Women's  
11 Division correctional centers and adult transition centers  
12 on gender-responsive and trauma-informed practices;

13 (5) implementation of validated gender-responsive  
14 classification and placement instruments;

15 (6) implementation of a gender-responsive risk,  
16 assets, and needs assessment tool and case management  
17 system for the Women's Division; ~~and~~

18 (7) collaborating with the Chief Administrator of  
19 Parole to ensure staff responsible for supervision of  
20 females under mandatory supervised release are  
21 appropriately trained in evidence-based practices in  
22 community supervision, gender-responsive practices, and  
23 trauma-informed practices; and

24 (8) supervising the Department of Corrections Life  
25 Skills reentry Center for Women.

26 (Source: P.A. 102-687, eff. 12-17-21.)