

# SB2128



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2128

Introduced 2/10/2023, by Sen. Rachel Ventura

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-5-1

from Ch. 38, par. 1003-5-1

Amends the Unified Code of Corrections. Provides that, on or before July 1, 2024, the Department of Corrections shall digitalize all information in the master record file and all other information that the Department maintains concerning its correctional institutions and facilities. Provides that the Department of Corrections shall adopt rules to implement this provision.

LRB103 28332 RLC 54711 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 3-5-1 as follows:

6 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

7 Sec. 3-5-1. Master Record File.

8 (a) The Department of Corrections and the Department of  
9 Juvenile Justice shall maintain a master record file on each  
10 person committed to it, which shall contain the following  
11 information:

12 (1) all information from the committing court;

13 (1.5) ethnic and racial background data collected in  
14 accordance with Section 4.5 of the Criminal Identification  
15 Act;

16 (2) reception summary;

17 (3) evaluation and assignment reports and  
18 recommendations;

19 (4) reports as to program assignment and progress;

20 (5) reports of disciplinary infractions and  
21 disposition, including tickets and Administrative Review  
22 Board action;

23 (6) any parole or aftercare release plan;

- 1 (7) any parole or aftercare release reports;
- 2 (8) the date and circumstances of final discharge;
- 3 (9) criminal history;
- 4 (10) current and past gang affiliations and ranks;
- 5 (11) information regarding associations and family
- 6 relationships;
- 7 (12) any grievances filed and responses to those
- 8 grievances; and
- 9 (13) other information that the respective Department
- 10 determines is relevant to the secure confinement and
- 11 rehabilitation of the committed person.

12 (b) All files shall be confidential and access shall be  
13 limited to authorized personnel of the respective Department  
14 or by disclosure in accordance with a court order or subpoena.  
15 Personnel of other correctional, welfare or law enforcement  
16 agencies may have access to files under rules and regulations  
17 of the respective Department. The respective Department shall  
18 keep a record of all outside personnel who have access to  
19 files, the files reviewed, any file material copied, and the  
20 purpose of access. If the respective Department or the  
21 Prisoner Review Board makes a determination under this Code  
22 which affects the length of the period of confinement or  
23 commitment, the committed person and his counsel shall be  
24 advised of factual information relied upon by the respective  
25 Department or Board to make the determination, provided that  
26 the Department or Board shall not be required to advise a

1 person committed to the Department of Juvenile Justice any  
2 such information which in the opinion of the Department of  
3 Juvenile Justice or Board would be detrimental to his  
4 treatment or rehabilitation.

5 (c) The master file shall be maintained at a place  
6 convenient to its use by personnel of the respective  
7 Department in charge of the person. When custody of a person is  
8 transferred from the Department to another department or  
9 agency, a summary of the file shall be forwarded to the  
10 receiving agency with such other information required by law  
11 or requested by the agency under rules and regulations of the  
12 respective Department.

13 (d) The master file of a person no longer in the custody of  
14 the respective Department shall be placed on inactive status  
15 and its use shall be restricted subject to rules and  
16 regulations of the Department.

17 (e) All public agencies may make available to the  
18 respective Department on request any factual data not  
19 otherwise privileged as a matter of law in their possession in  
20 respect to individuals committed to the respective Department.

21 (f) A committed person may request a summary of the  
22 committed person's master record file once per year and the  
23 committed person's attorney may request one summary of the  
24 committed person's master record file once per year. The  
25 Department shall create a form for requesting this summary,  
26 and shall make that form available to committed persons and to

1 the public on its website. Upon receipt of the request form,  
2 the Department shall provide the summary within 15 days. The  
3 summary must contain, unless otherwise prohibited by law:

4 (1) the person's name, ethnic, racial, and other  
5 identifying information;

6 (2) all digitally available information from the  
7 committing court;

8 (3) all information in the Offender 360 system on the  
9 person's criminal history;

10 (4) the person's complete assignment history in the  
11 Department of Corrections;

12 (5) the person's disciplinary card;

13 (6) additional records about up to 3 specific  
14 disciplinary incidents as identified by the requester;

15 (7) any available records about up to 5 specific  
16 grievances filed by the person, as identified by the  
17 requester; and

18 (8) the records of all grievances filed on or after  
19 January 1, 2023.

20 Notwithstanding any provision of this subsection (f) to  
21 the contrary, a committed person's master record file is not  
22 subject to disclosure and copying under the Freedom of  
23 Information Act.

24 (g) On or before July 1, 2024, the Department of  
25 Corrections shall digitalize all information in the master  
26 record file and all other information that the Department

1 maintains concerning its correctional institutions and  
2 facilities. The Department of Corrections shall adopt rules to  
3 implement this subsection (g).

4 (Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22;  
5 revised 12-14-22.)