

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 3-2.7-5, 3-2.7-10, 3-2.7-20, 3-2.7-25,
6 3-2.7-30, 3-2.7-35, 3-2.7-40, 3-2.7-50, and 3-2.7-55 as
7 follows:

8 (730 ILCS 5/3-2.7-5)

9 Sec. 3-2.7-5. Purpose. The purpose of this Article is to
10 create within the Department of Juvenile Justice the Office of
11 Independent Juvenile Ombudsman for the purpose of securing the
12 rights of youth committed to the Department of Juvenile
13 Justice and county-operated juvenile detention centers,
14 including youth released on aftercare before final discharge.
15 (Source: P.A. 98-1032, eff. 8-25-14.)

16 (730 ILCS 5/3-2.7-10)

17 Sec. 3-2.7-10. Definitions. In this Article, unless the
18 context requires otherwise:

19 "County-operated juvenile detention center" means any
20 shelter care home or detention home as "shelter" and
21 "detention" are defined in Section 1.1 of the County Shelter
22 Care and Detention Home Act and any other facility that

1 detains youth in the juvenile justice system that is
2 specifically designated to detain or incarcerate youth.
3 "County-operated juvenile detention center" does not include
4 police or other temporary law enforcement holding locations.

5 "Department" means the Department of Juvenile Justice.

6 "Immediate family or household member" means the spouse,
7 child, parent, brother, sister, grandparent, or grandchild,
8 whether of the whole blood or half blood or by adoption, or a
9 person who shares a common dwelling.

10 "Juvenile justice system" means all activities by public
11 or private agencies or persons pertaining to youth involved in
12 or having contact with the police, courts, or corrections.

13 "Office" means the Office of the Independent Juvenile
14 Ombudsman.

15 "Ombudsman" means the Department of Juvenile Justice
16 Independent Juvenile Ombudsman.

17 "Youth" means any person committed by court order to the
18 custody of the Department of Juvenile Justice or a
19 county-operated juvenile detention center, including youth
20 released on aftercare before final discharge.

21 (Source: P.A. 98-1032, eff. 8-25-14.)

22 (730 ILCS 5/3-2.7-20)

23 Sec. 3-2.7-20. Conflicts of interest. A person may not
24 serve as Ombudsman or as a deputy if the person or the person's
25 immediate family or household member:

1 (1) is or has been employed by the Department of
2 Juvenile Justice, ~~or~~ Department of Corrections, or a
3 county-operated juvenile detention center within one year
4 prior to appointment, other than as Ombudsman or Deputy
5 Ombudsman;

6 (2) participates in the management of a business
7 entity or other organization receiving funds from the
8 Department of Juvenile Justice or a county-operated
9 juvenile detention center;

10 (3) owns or controls, directly or indirectly, any
11 interest in a business entity or other organization
12 receiving funds from the Department of Juvenile Justice or
13 a county-operated juvenile detention center;

14 (4) uses or receives any amount of tangible goods,
15 services, or funds from the Department of Juvenile Justice
16 or a county-operated juvenile detention center, other than
17 as Ombudsman or Deputy Ombudsman; or

18 (5) is required to register as a lobbyist for an
19 organization that interacts with the juvenile justice
20 system.

21 (Source: P.A. 98-1032, eff. 8-25-14.)

22 (730 ILCS 5/3-2.7-25)

23 Sec. 3-2.7-25. Duties and powers.

24 (a) The Independent Juvenile Ombudsman shall function
25 independently within the Department of Juvenile Justice and

1 county-operated juvenile detention centers with respect to the
2 operations of the Office in performance of his or her duties
3 under this Article and shall report to the Governor and to
4 local authorities as provided in Section 3-2.7-50. The
5 Ombudsman shall adopt rules and standards as may be necessary
6 or desirable to carry out his or her duties. Funding for the
7 Office shall be designated separately within Department funds
8 and shall include funds for operations at county-operated
9 juvenile detention centers. The Department shall provide
10 necessary administrative services and facilities to the Office
11 of the Independent Juvenile Ombudsman. County-operated
12 juvenile detention centers shall provide necessary
13 administrative services and space, upon request, inside the
14 facility to the Office of the Independent Juvenile Ombudsman
15 to meet confidentially with youth and otherwise in performance
16 of his or her duties under this Article.

17 (b) The Office of Independent Juvenile Ombudsman shall
18 have the following duties:

19 (1) review and monitor the implementation of the rules
20 and standards established by the Department of Juvenile
21 Justice and county-operated juvenile detention centers and
22 evaluate the delivery of services to youth to ensure that
23 the rights of youth are fully observed;

24 (2) provide assistance to a youth or family whom the
25 Ombudsman determines is in need of assistance, including
26 advocating with an agency, provider, or other person in

1 the best interests of the youth;

2 (3) investigate and attempt to resolve complaints made
3 by or on behalf of youth, other than complaints alleging
4 criminal behavior or violations of the State Officials and
5 Employees Ethics Act, if the Office determines that the
6 investigation and resolution would further the purpose of
7 the Office, and:

8 (A) a youth committed to the Department of
9 Juvenile Justice or a county-operated juvenile
10 detention center or the youth's family is in need of
11 assistance from the Office; or

12 (B) a systemic issue in the Department of Juvenile
13 Justice's or county-operated juvenile detention
14 center's provision of services is raised by a
15 complaint;

16 (4) review or inspect periodically the facilities and
17 procedures of any county-operated juvenile detention
18 center or any facility in which a youth has been placed by
19 the Department of Juvenile Justice to ensure that the
20 rights of youth are fully observed; and

21 (5) be accessible to and meet confidentially and
22 regularly with youth committed to the Department or a
23 county-operated juvenile detention center and serve as a
24 resource by informing them of pertinent laws, rules, and
25 policies, and their rights thereunder.

26 (c) The following cases shall be reported immediately to

1 the Director of Juvenile Justice and the Governor, and for
2 cases that arise in county-operated juvenile detention
3 centers, to the chief judge of the applicable judicial circuit
4 and the Director of the Administrative Office of the Illinois
5 Courts:

6 (1) cases of severe abuse or injury of a youth;

7 (2) serious misconduct, misfeasance, malfeasance, or
8 serious violations of policies and procedures concerning
9 the administration of a Department of Juvenile Justice or
10 county-operated juvenile detention center program or
11 operation;

12 (3) serious problems concerning the delivery of
13 services in a county-operated juvenile detention center or
14 a facility operated by or under contract with the
15 Department of Juvenile Justice;

16 (4) interference by the Department of Juvenile Justice
17 or county-operated juvenile detention center with an
18 investigation conducted by the Office; and

19 (5) other cases as deemed necessary by the Ombudsman.

20 (d) Notwithstanding any other provision of law, the
21 Ombudsman may not investigate alleged criminal behavior or
22 violations of the State Officials and Employees Ethics Act. If
23 the Ombudsman determines that a possible criminal act has been
24 committed, or that special expertise is required in the
25 investigation, he or she shall immediately notify the Illinois
26 State Police. If the Ombudsman determines that a possible

1 violation of the State Officials and Employees Ethics Act has
2 occurred, he or she shall immediately refer the incident to
3 the Office of the Governor's Executive Inspector General for
4 investigation. If the Ombudsman receives a complaint from a
5 youth or third party regarding suspected abuse or neglect of a
6 child, the Ombudsman shall refer the incident to the Child
7 Abuse and Neglect Hotline or to the Illinois State Police as
8 mandated by the Abused and Neglected Child Reporting Act. Any
9 investigation conducted by the Ombudsman shall not be
10 duplicative and shall be separate from any investigation
11 mandated by the Abused and Neglected Child Reporting Act. All
12 investigations conducted by the Ombudsman shall be conducted
13 in a manner designed to ensure the preservation of evidence
14 for possible use in a criminal prosecution.

15 (e) In performance of his or her duties, the Ombudsman
16 may:

- 17 (1) review court files of youth;
- 18 (2) recommend policies, rules, and legislation
19 designed to protect youth;
- 20 (3) make appropriate referrals under any of the duties
21 and powers listed in this Section;
- 22 (4) attend internal administrative and disciplinary
23 hearings to ensure the rights of youth are fully observed
24 and advocate for the best interest of youth when deemed
25 necessary; and
- 26 (5) perform other acts, otherwise permitted or

1 required by law, in furtherance of the purpose of the
2 Office.

3 (f) To assess if a youth's rights have been violated, the
4 Ombudsman may, in any matter that does not involve alleged
5 criminal behavior, contact or consult with an administrator,
6 employee, youth, parent, expert, or any other individual in
7 the course of his or her investigation or to secure
8 information as necessary to fulfill his or her duties.

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

10 (730 ILCS 5/3-2.7-30)

11 Sec. 3-2.7-30. Duties of the Department of Juvenile
12 Justice or county-operated juvenile detention center.

13 (a) The Department of Juvenile Justice and every
14 county-operated juvenile detention center shall allow any
15 youth to communicate with the Ombudsman or a deputy at any
16 time. The communication:

17 (1) may be in person, by phone, by mail, or by any
18 other means deemed appropriate in light of security
19 concerns; and

20 (2) is confidential and privileged.

21 (b) The Department and county-operated juvenile detention
22 centers shall allow the Ombudsman and deputies full and
23 unannounced access to youth and Department facilities and
24 county-operated juvenile detention centers at any time. The
25 Department and county-operated juvenile detention centers

1 shall furnish the Ombudsman and deputies with appropriate
2 meeting space in each facility in order to preserve
3 confidentiality.

4 (c) The Department and county-operated juvenile detention
5 centers shall allow the Ombudsman and deputies to participate
6 in professional development opportunities provided by the
7 Department of Juvenile Justice and county-operated juvenile
8 detention centers as practical and to attend appropriate
9 professional training when requested by the Ombudsman.

10 (d) The Department and county-operated juvenile detention
11 centers shall provide the Ombudsman copies of critical
12 incident reports involving a youth residing in a facility
13 operated by the Department or a county-operated juvenile
14 detention center. Critical incidents include, but are not
15 limited to, severe injuries that result in hospitalization,
16 suicide attempts that require medical intervention, sexual
17 abuse, and escapes.

18 (e) The Department and county-operated juvenile detention
19 centers shall provide the Ombudsman with reasonable advance
20 notice of all internal administrative and disciplinary
21 hearings regarding a youth residing in a facility operated by
22 the Department or a county-operated juvenile detention center.

23 (f) The Department of Juvenile Justice and county-operated
24 juvenile detention centers may not discharge, demote,
25 discipline, or in any manner discriminate or retaliate against
26 a youth or an employee who in good faith makes a complaint to

1 the Office of the Independent Juvenile Ombudsman or cooperates
2 with the Office.

3 (Source: P.A. 98-1032, eff. 8-25-14.)

4 (730 ILCS 5/3-2.7-35)

5 Sec. 3-2.7-35. Reports. The Independent Juvenile Ombudsman
6 shall provide to the General Assembly and the Governor, no
7 later than January 1 of each year, a summary of activities done
8 in furtherance of the purpose of the Office for the prior
9 fiscal year. The summaries shall contain data both aggregated
10 and disaggregated by individual facility and describe:

11 (1) the work of the Ombudsman;

12 (2) the status of any review or investigation
13 undertaken by the Ombudsman, but may not contain any
14 confidential or identifying information concerning the
15 subjects of the reports and investigations; and

16 (3) any recommendations that the Independent Juvenile
17 Ombudsman has relating to a systemic issue in the
18 Department of Juvenile Justice's or a county-operated
19 juvenile detention center's provision of services and any
20 other matters for consideration by the General Assembly
21 and the Governor.

22 With respect to county-operated juvenile detention
23 centers, the Ombudsman shall provide data responsive to
24 paragraphs (1) through (3) to the chief judge of the
25 applicable judicial circuit and to the Director of the

1 Administrative Office of the Illinois Courts, and shall make
2 the data publicly available.

3 (Source: P.A. 98-1032, eff. 8-25-14.)

4 (730 ILCS 5/3-2.7-40)

5 Sec. 3-2.7-40. Complaints. The Office of Independent
6 Juvenile Ombudsman shall promptly and efficiently act on
7 complaints made by or on behalf of youth filed with the Office
8 that relate to the operations or staff of the Department of
9 Juvenile Justice or a county-operated juvenile detention
10 center. The Office shall maintain information about parties to
11 the complaint, the subject matter of the complaint, a summary
12 of the results of the review or investigation of the
13 complaint, including any resolution of or recommendations made
14 as a result of the complaint. The Office shall make
15 information available describing its procedures for complaint
16 investigation and resolution. When applicable, the Office
17 shall notify the complaining youth that an investigation and
18 resolution may result in or will require disclosure of the
19 complaining youth's identity. The Office shall periodically
20 notify the complaint parties of the status of the complaint
21 until final disposition.

22 (Source: P.A. 98-1032, eff. 8-25-14.)

23 (730 ILCS 5/3-2.7-50)

24 Sec. 3-2.7-50. Promotion and awareness of Office. The

1 Independent Juvenile Ombudsman shall promote awareness among
2 the public and youth of:

3 (1) the rights of youth committed to the Department
4 and county-operated juvenile detention centers;

5 (2) the purpose of the Office;

6 (3) how the Office may be contacted;

7 (4) the confidential nature of communications; and

8 (5) the services the Office provides.

9 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

10 (730 ILCS 5/3-2.7-55)

11 Sec. 3-2.7-55. Access to information of governmental
12 entities. The Department of Juvenile Justice and
13 county-operated juvenile detention centers shall provide the
14 Independent Juvenile Ombudsman unrestricted access to all
15 master record files of youth under Section 3-5-1 of this Code
16 or any other files of youth in the custody of county-operated
17 juvenile detention centers, or both. Access to educational,
18 social, psychological, mental health, substance abuse, and
19 medical records shall not be disclosed except as provided in
20 Section 5-910 of the Juvenile Court Act of 1987, the Mental
21 Health and Developmental Disabilities Confidentiality Act, the
22 School Code, and any applicable federal laws that govern
23 access to those records.

24 (Source: P.A. 98-1032, eff. 8-25-14.)

25 Section 99. Effective date. This Act takes effect on

SB2197 Enrolled

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LRB103 24916 RLC 57099 b

1 January 1, 2025.