



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3600

Introduced 2/9/2024, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-15003.6
55 ILCS 5/3-15003.8
55 ILCS 5/3-15003.9
55 ILCS 5/3-15003.11 new
210 ILCS 160/30
730 ILCS 5/3-6-0.5 new
730 ILCS 5/3-6-7
730 ILCS 5/3-6-7.2
730 ILCS 5/3-6-7.3
730 ILCS 5/3-6-7.5 new
730 ILCS 125/17.5
730 ILCS 125/17.7
730 ILCS 125/17.8
730 ILCS 125/17.11 new

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 38410 AWJ 68545 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. Oral
25 requests made by medical personnel shall be verified in
26 writing as promptly as reasonably possible.

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

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

20 (3) Leg irons, shackles or waist shackles shall not be
21 used on any pregnant or postpartum prisoner regardless of
22 security classification. Except for therapeutic restraints
23 under clause (b)(2), no restraints of any kind may be
24 applied to prisoners during labor.

25 (4) When a pregnant or postpartum prisoner must be
26 restrained, restraints used shall be the least restrictive

1 restraints possible to ensure the safety and security of
2 the prisoner, the prisoner's ~~her~~ child, unborn child, the
3 staff of the county department of corrections or medical
4 facility, other prisoners, or the public, and in no case
5 shall include leg irons, shackles or waist shackles.

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

12 (6) The county department of corrections shall provide
13 adequate corrections personnel to monitor the pregnant
14 prisoner during the prisoner's ~~her~~ transport to and from
15 the hospital and during the prisoner's ~~her~~ stay at the
16 hospital.

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

22 (8) (Blank). ~~Upon discharge from a medical facility,~~
23 ~~postpartum prisoners shall be restrained only with~~
24 ~~handcuffs in front of the body during transport to the~~
25 ~~county department of corrections. A corrections official~~
26 ~~shall immediately remove all security restraints upon~~

~~written or oral request by medical personnel. Oral requests made by medical personnel shall be verified in writing as promptly as reasonably possible.~~

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

(d) Data reporting. No later than 30 days before the end of each fiscal year, each county sheriff shall submit a written report to the Illinois General Assembly and the Office of the Governor that includes the number of pregnant prisoners in custody each year and the number of people who deliver or miscarry while in custody. The written report shall not contain any individually identifying information of a prisoner. The written report shall be made available for public inspection.

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

1 (55 ILCS 5/3-15003.8)

2 Sec. 3-15003.8. Educational programming for pregnant
3 prisoners.

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

10 (1) appropriate prenatal care and hygiene;

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

13 (3) parenting skills; and

14 (4) medical and mental health issues applicable to
15 children.

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

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

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

4 (3) the right to spend time with a child following
5 delivery;

6 (4) the requirement to provide educational
7 programming;

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

9 (6) the procedure for obtaining an abortion, if so
10 desired;

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

13 (8) address or contact information for community
14 organizations specializing in the rights of pregnant
15 prisoners for questions or concerns.

16 (c) Each county department of corrections must also post
17 informational flyers wherever pregnant prisoners may be
18 housed.

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

20 (55 ILCS 5/3-15003.9)

21 Sec. 3-15003.9. Prisoner postpartum ~~post-partum~~ recovery
22 requirements. A county department of corrections shall ensure
23 that, for a period of 72 hours after the birth of an infant by
24 a prisoner:

25 (1) the infant is allowed to remain with the prisoner,

1 unless a medical professional determines doing so would
2 pose a health or safety risk to the prisoner or infant; and

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

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

7 (55 ILCS 5/3-15003.11 new)

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

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

17 (210 ILCS 160/30)

18 Sec. 30. Medical care for committed persons.

19 (a) If a committed person receives medical care and
20 treatment at a place other than an institution or facility of
21 the Department of Corrections, a county, or a municipality,
22 then the institution or facility shall:

23 (1) to the greatest extent practicable, notify the

1 hospital or medical facility that is treating the
2 committed person prior to the committed person's visit and
3 notify the hospital or medical facility of any significant
4 medical, mental health, recent violent actions, or other
5 safety concerns regarding the patient;

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

9 (3) provide at least one guard trained in custodial
10 escort and custody of high-risk committed persons to
11 accompany any committed person. The custodial agency shall
12 attest to such training for custodial escort and custody
13 of high-risk committed persons through: (A) the training
14 of the Department of Corrections, Department of Juvenile
15 Justice, or Illinois State Police; (B) law enforcement
16 training that is substantially equivalent to the training
17 of the Department of Corrections, Department of Juvenile
18 Justice, or Illinois State Police; or (C) the training
19 described in Section 35. Under no circumstances may leg
20 irons or shackles or waist shackles be used on any
21 pregnant ~~female~~ prisoner who is in labor. In addition,
22 restraint of a pregnant ~~female~~ prisoner ~~in the custody of~~
23 ~~the Cook County~~ shall comply with Section 3-15003.6 of the
24 Counties Code. Additionally, restraints shall not be used
25 on a committed person if medical personnel determine that
26 the restraints would impede medical treatment; and

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

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

12 (B) the visitor shall submit to the search of his
13 or her person or any personal property under his or her
14 control at any time; and

15 (C) the custodial agency may deny the committed
16 person access to a telephone or limit the number of
17 visitors the committed person may receive for purposes
18 of safety.

19 If a committed person receives medical care and treatment
20 at a place other than an institution or facility of the
21 Department of Corrections, county, or municipality, then the
22 custodial agency shall ensure that the committed person is
23 wearing security restraints in accordance with the custodial
24 agency's rules and procedures if the custodial agency
25 determines that restraints are necessary for the following
26 reasons: (i) to prevent physical harm to the committed person

1 or another person; (ii) because the committed person has a
2 history of disruptive behavior that has placed others in
3 potentially harmful situations or presents a substantial risk
4 of inflicting physical harm on himself or herself or others as
5 evidenced by recent behavior; or (iii) there is a well-founded
6 belief that the committed person presents a substantial risk
7 of flight. Under no circumstances may leg irons or shackles or
8 waist shackles be used on any pregnant ~~female~~ prisoner who is
9 in labor. In addition, restraint of a pregnant ~~female~~ prisoner
10 ~~in the custody of the Cook County~~ shall comply with Section
11 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 Corrections, county, or municipality,
15 specifically with regard to potentially violent persons.

16 (b) If a committed person receives medical care and
17 treatment at a place other than an institution or facility of
18 the Department of Juvenile Justice, then the institution or
19 facility shall:

20 (1) to the greatest extent practicable, notify the
21 hospital or medical facility that is treating the
22 committed person prior to the committed person's visit,
23 and notify the hospital or medical facility of any
24 significant medical, mental health, recent violent
25 actions, or other safety concerns regarding the patient;

26 (2) to the greatest extent practicable, ensure the

1 transferred committed person is accompanied by the most
2 comprehensive medical records possible;

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

16 (4) ensure that only medical personnel, Department of
17 Juvenile Justice personnel, and visitors on the committed
18 person's approved institutional visitors list may visit
19 the committed person. Visitation by a person on the
20 committed person's approved institutional visitors list
21 shall be subject to the rules and procedures of the
22 hospital or medical facility and the Department of
23 Juvenile Justice. In any situation in which a committed
24 person is being visited:

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

1 (B) the visitor shall submit to the search of his
2 or her person or any personal property under his or her
3 control at any time; and

4 (C) the custodial agency may deny the committed
5 person access to a telephone or limit the number of
6 visitors the committed person may receive for purposes
7 of safety.

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

1 shall not be used on the committed person as provided in this
2 paragraph if medical personnel determine that the restraints
3 would impede medical treatment. Under no circumstances may leg
4 irons or shackles or waist shackles be used on any pregnant
5 ~~female~~ prisoner who is in labor. In addition, restraint of a
6 pregnant ~~female~~ prisoner ~~in the custody of the Cook County~~
7 shall comply with Section 3-15003.6 of the Counties Code.

8 The hospital or medical facility may establish protocols
9 for the receipt of committed persons in collaboration with the
10 Department of Juvenile Justice, specifically with regard to
11 persons recently exhibiting violence.

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

13 Section 15. The Unified Code of Corrections is amended by
14 changing Sections 3-6-7, 3-6-7.2, and 3-6-7.3 and by adding
15 Sections 3-6-0.5 and 3-6-7.5 as follows:

16 (730 ILCS 5/3-6-0.5 new)

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

19 "Extraordinary circumstance" means an extraordinary
20 medical or security circumstance, including a substantial
21 flight risk, that dictates restraints be used to ensure the
22 safety and security of the committed person, the staff of the
23 correctional institution or medical facility, other committed
24 persons, or the public.

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

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

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

18 (730 ILCS 5/3-6-7)

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

20 (a) The Department shall not apply security restraints to
21 a committed person that has been determined by a qualified
22 medical professional to be pregnant or otherwise is known by
23 the Department to be pregnant or in postpartum recovery,
24 unless the correctional official makes an individualized
25 determination that the committed person presents a substantial

1 flight risk or some other extraordinary circumstance that
2 dictates security restraints be used to ensure the safety and
3 security of the committed person, the committed person's child
4 or unborn child, the staff of the Department or medical
5 facility, other committed persons, or the public. The
6 protections set out in paragraphs (3) and (4) of this Section
7 shall apply to security restraints used as provided in this
8 subsection. The correctional officer employed by the
9 Department shall immediately remove all restraints upon the
10 written or oral request of medical personnel. Oral requests
11 made by medical personnel shall be verified in writing as
12 promptly as reasonably possible.

13 (1) Qualified authorized health staff shall have the
14 authority to order therapeutic restraints for a pregnant
15 or postpartum committed person who is a danger to the
16 committed person, the committed person's child, unborn
17 child, or other persons due to a psychiatric or medical
18 disorder. Therapeutic restraints may only be initiated,
19 monitored, and discontinued by qualified and authorized
20 health staff and used to safely limit a committed person's
21 mobility for psychiatric or medical reasons. No order for
22 therapeutic restraints shall be written unless medical or
23 mental health personnel, after personally observing and
24 examining the committed person, are clinically satisfied
25 that the use of therapeutic restraints is justified and
26 permitted in accordance with hospital policies and

1 applicable State law. Metal handcuffs or shackles are not
2 considered therapeutic restraints.

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

6 (3) Leg irons, shackles or waist shackles shall not be
7 used on any pregnant or postpartum committed person
8 regardless of security classification. Except for
9 therapeutic restraints under paragraph (2) of subsection
10 (b), no restraints of any kind may be applied to committed
11 persons during labor.

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

20 (5) Upon the pregnant committed person's entry into a
21 hospital room, and completion of initial room inspection,
22 a correctional officer shall be posted immediately outside
23 the hospital room unless requested to be in the room by
24 medical personnel attending to the committed person's
25 medical needs.

26 (6) The Department shall provide adequate corrections

1 personnel to monitor the pregnant committed person during
2 the committed person's transport to and from the hospital
3 and during the committed person's stay at the hospital.

4 (7) Where the correctional institution or facility
5 requires committed person safety assessments, a
6 correctional official may enter the hospital room to
7 conduct periodic committed person safety assessments,
8 except during a medical examination or the delivery
9 process.

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

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

1 written report shall be made available for public inspection
2 ~~Notwithstanding any other statute, directive, or~~
3 ~~administrative regulation, when a pregnant female committed~~
4 ~~person is brought to a hospital from an Illinois correctional~~
5 ~~center for the purpose of delivering her baby, no handcuffs,~~
6 ~~shackles, or restraints of any kind may be used during her~~
7 ~~transport to a medical facility for the purpose of delivering~~
8 ~~her baby. Under no circumstances may leg irons or shackles or~~
9 ~~waist shackles be used on any pregnant female committed person~~
10 ~~who is in labor. Upon the pregnant female committed person's~~
11 ~~entry to the hospital delivery room, a correctional officer~~
12 ~~must be posted immediately outside the delivery room. The~~
13 ~~Department must provide for adequate personnel to monitor the~~
14 ~~pregnant female committed person during her transport to and~~
15 ~~from the hospital and during her stay at the hospital.~~

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

17 (730 ILCS 5/3-6-7.2)

18 Sec. 3-6-7.2. Educational programming and information for
19 pregnant committed persons.

20 (a) The Department shall develop and provide to each
21 pregnant committed person educational programming relating to
22 pregnancy and parenting. The programming must include
23 instruction regarding:

24 (1) appropriate prenatal care and hygiene;

25 (2) the effects of prenatal exposure to alcohol and

1 drugs on a developing fetus;
2 (3) parenting skills; and
3 (4) medical and mental health issues applicable to
4 children.

5 (b) The Department shall provide informational materials
6 concerning the laws pertaining to pregnant committed persons
7 to any pregnant or postpartum individual. The Department of
8 Public Health and community-based organizations specializing
9 in the rights of pregnant committed persons shall provide
10 these information materials to the warden at no cost to the
11 county. The informational materials must include information
12 regarding:

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

14 (2) rules concerning the treatment of pregnant
15 committed persons, including those relating to bed height
16 and supplemental nutrition;

17 (3) the right to spend time with a child following
18 delivery;

19 (4) the requirement to provide educational
20 programming;

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

22 (6) the procedure for obtaining an abortion, if so
23 desired;

24 (7) any new or additional laws concerning the rights
25 of pregnant committed persons; and

26 (8) address or contact information for community

1 organizations specializing in the rights of pregnant
2 committed persons for questions or concerns;

3 (c) The Department must also post informational flyers
4 wherever pregnant committed persons may be housed.

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

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

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

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

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

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

1 (730 ILCS 5/3-6-7.5 new)

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

9 Section 20. The County Jail Act is amended by changing
10 Sections 17.5, 17.7, and 17.8 and by adding Section 17.11 as
11 follows:

12 (730 ILCS 125/17.5)

13 Sec. 17.5. Pregnant ~~female~~ prisoners. Restraint of a
14 pregnant or postpartum prisoner shall comply with Section
15 3-15003.6 of the County Department of Corrections Law
16 ~~Notwithstanding any other statute, directive, or~~
17 ~~administrative regulation, when a pregnant female prisoner is~~
18 ~~brought to a hospital from a county jail for the purpose of~~
19 ~~delivering her baby, no handcuffs, shackles, or restraints of~~
20 ~~any kind may be used during her transport to a medical facility~~
21 ~~for the purpose of delivering her baby. Under no circumstances~~
22 ~~may leg irons or shackles or waist shackles be used on any~~
23 ~~pregnant female prisoner who is in labor. In addition,~~
24 ~~restraint of a pregnant female prisoner in the custody of the~~

1 ~~Cook County shall comply with Section 3-15003.6 of the~~
2 ~~Counties Code. Upon the pregnant female prisoner's entry to~~
3 ~~the hospital delivery room, 2 county correctional officers~~
4 ~~must be posted immediately outside the delivery room. The~~
5 ~~Sheriff must provide for adequate personnel to monitor the~~
6 ~~pregnant female prisoner during her transport to and from the~~
7 ~~hospital and during her stay at the hospital.~~

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

9 (730 ILCS 125/17.7)

10 Sec. 17.7. Educational programming and information for
11 pregnant prisoners.

12 (a) The Illinois Department of Public Health shall provide
13 the sheriff with educational programming relating to pregnancy
14 and parenting and the sheriff shall provide the programming to
15 pregnant prisoners. The programming must include instruction
16 regarding:

17 (1) appropriate prenatal care and hygiene;

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

20 (3) parenting skills; and

21 (4) medical and mental health issues applicable to
22 children.

23 (b) Each sheriff shall provide informational materials
24 concerning the laws pertaining to pregnant prisoners to any
25 pregnant or postpartum individual. The Department of Public

1 Health shall provide these informational materials to the
2 warden of the sheriff at no cost to the county and the county
3 may accept informational materials from community-based
4 organizations specializing in the rights of pregnant
5 prisoners. The informational materials must include
6 information regarding:

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

8 (2) rules concerning the treatment of pregnant
9 prisoners, including those relating to bed height and
10 supplemental nutrition;

11 (3) the right to spend time with a child following
12 delivery;

13 (4) the requirement to provide educational
14 programming;

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

16 (6) the procedure for obtaining an abortion, if so
17 desired;

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

20 (8) address or contact information for community
21 organizations specializing in the rights of pregnant
22 prisoners for questions or concerns.

23 (c) Each sheriff must also post informational flyers
24 wherever pregnant prisoners may be housed.

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

1 (730 ILCS 125/17.8)

2 Sec. 17.8. Prisoner postpartum ~~post-partum~~ recovery
3 requirements. The sheriff shall ensure that, for a period of
4 72 hours after the birth of an infant by a prisoner:

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

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

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

12 (730 ILCS 125/17.11 new)

13 Sec. 17.11. Supplemental nutrition during pregnancy or
14 while lactating. A prisoner who is pregnant or lactating,
15 including a prisoner who is nursing a baby or pumping
16 breastmilk, shall be provided supplemental nutrition of at
17 least 300 calories per day. This supplemental nutrition shall
18 be in addition to any regularly provided food and shall be
19 available outside of regular mealtimes.