

1 AN ACT concerning corrections.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Findings; purpose.

5 (a) The General Assembly finds and declares that:

6 (1) Public Act 89-688, effective June 1, 1997,
7 contained provisions amending Section 3-8-7 of the
8 Unified Code of Corrections relating to disciplinary
9 procedures at Department of Corrections facilities.
10 Public Act 89-688 also contained other provisions.

11 (2) On October 20, 2000, in *People v. Jerry Lee*
12 *Foster*, 316 Ill. App. 3d 855, the Illinois Appellate
13 Court, Fourth District, ruled that Public Act 89-688
14 violates the single subject clause of the Illinois
15 Constitution (Article IV, Section 8 (d)) and is therefore
16 unconstitutional in its entirety.

17 (3) The provisions added and deleted from Section
18 3-8-7 of the Unified Code of Corrections by Public Act
19 89-688 are of vital concern to the people of this State.
20 Prompt legislative action concerning those provisions is
21 necessary.

22 (b) It is the purpose of this Act to re-enact Section
23 3-8-7 of the Unified Code of Corrections, including the
24 provisions added and deleted by Public Act 89-688. This
25 re-enactment is intended to remove any question as to the
26 validity or content of those provisions; it is not intended
27 to supersede any other Public Act that amends the text of the
28 Section as set forth in this Act. The re-enacted material is
29 shown in this Act as existing text (i.e., without
30 underscoring).

31 Section 5. The Unified Code of Corrections is amended by

1 re-enacting Section 3-8-7 as follows:

2 (730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)

3 Sec. 3-8-7. Disciplinary Procedures.)

4 (a) All disciplinary action shall be consistent with
5 this Chapter. Rules of behavior and conduct, the penalties
6 for violation thereof, and the disciplinary procedure by
7 which such penalties may be imposed shall be available to
8 committed persons.

9 (b) (1) Corporal punishment and disciplinary
10 restrictions on diet, medical or sanitary facilities,
11 mail or access to legal materials are prohibited.

12 (2) (Blank).

13 (3) (Blank).

14 (c) Review of disciplinary action imposed under this
15 Section shall be provided by means of the grievance procedure
16 under Section 3-8-8. The Department shall provide a
17 disciplined person with a review of his or her disciplinary
18 action in a timely manner as required by law.

19 (d) All institutions and facilities of the Adult
20 Division shall establish, subject to the approval of the
21 Director, procedures for hearing disciplinary cases except
22 those that may involve the imposition of disciplinary
23 segregation and isolation; the loss of good time credit under
24 Section 3-6-3 or eligibility to earn good time credit.

25 (e) In disciplinary cases which may involve the
26 imposition of disciplinary segregation and isolation, the
27 loss of good time credit or eligibility to earn good time
28 credit, the Director shall establish disciplinary procedures
29 consistent with the following principles:

30 (1) Any person or persons who initiate a
31 disciplinary charge against a person shall not determine
32 the disposition of the charge. The Director may
33 establish one or more disciplinary boards to hear and

1 determine charges.

2 (2) Any committed person charged with a violation
3 of Department rules of behavior shall be given notice of
4 the charge including a statement of the misconduct
5 alleged and of the rules this conduct is alleged to
6 violate.

7 (3) Any person charged with a violation of rules is
8 entitled to a hearing on that charge at which time he
9 shall have an opportunity to appear before and address
10 the person or persons deciding the charge.

11 (4) The person or persons determining the
12 disposition of the charge may also summon to testify any
13 witnesses or other persons with relevant knowledge of the
14 incident.

15 (5) If the charge is sustained, the person charged
16 is entitled to a written statement of the decision by the
17 persons determining the disposition of the charge which
18 shall include the basis for the decision and the
19 disciplinary action, if any, to be imposed.

20 (6) (Blank).

21 (Source: P.A. 89-688, eff. 6-1-97.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.