



Rep. James D. Brosnahan

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1 AMENDMENT TO HOUSE BILL 2062

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2062 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by  
5 changing Sections 2-110 and 2-201.5 and by adding Sections  
6 2-216 and 3-202.3 as follows:

7 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

8 Sec. 2-110. (a) Any employee or agent of a public agency,  
9 any representative of a community legal services program or any  
10 other member of the general public shall be permitted access at  
11 reasonable hours to any individual resident of any facility,  
12 but only if there is neither a commercial purpose nor effect to  
13 such access and if the purpose is to do any of the following:

14 (1) Visit, talk with and make personal, social and legal  
15 services available to all residents;

16 (2) Inform residents of their rights and entitlements and  
17 their corresponding obligations, under federal and State laws,  
18 by means of educational materials and discussions in groups and  
19 with individual residents;

20 (3) Assist residents in asserting their legal rights  
21 regarding claims for public assistance, medical assistance and  
22 social security benefits, as well as in all other matters in  
23 which residents are aggrieved. Assistance may include  
24 counseling and litigation; or

1           (4) Engage in other methods of asserting, advising and  
2 representing residents so as to extend to them full enjoyment  
3 of their rights.

4           (a-5) If a resident of a licensed facility is a registered  
5 sex offender or is serving a term of probation, parole,  
6 mandatory supervised release, or any form of court-ordered  
7 supervision, any federal, State, or local law enforcement  
8 officer or county probation officer shall be permitted access  
9 to the individual resident to verify compliance with the  
10 requirements of the Sex Offender Registration Act or to verify  
11 compliance with applicable terms of probation, parole,  
12 mandatory supervised release, or court-ordered supervision.

13           (b) All persons entering a facility under this Section  
14 shall promptly notify appropriate facility personnel of their  
15 presence. They shall, upon request, produce identification to  
16 establish their identity. No such person shall enter the  
17 immediate living area of any resident without first identifying  
18 himself and then receiving permission from the resident to  
19 enter. The rights of other residents present in the room shall  
20 be respected. A resident may terminate at any time a visit by a  
21 person having access to the resident's living area under this  
22 Section.

23           (c) This Section shall not limit the power of the  
24 Department or other public agency otherwise permitted or  
25 required by law to enter and inspect a facility.

26           (d) Notwithstanding paragraph (a) of this Section, the  
27 administrator of a facility may refuse access to the facility  
28 to any person if the presence of that person in the facility  
29 would be injurious to the health and safety of a resident or  
30 would threaten the security of the property of a resident or  
31 the facility, or if the person seeks access to the facility for  
32 commercial purposes. Any person refused access to a facility  
33 may within 10 days request a hearing under Section 3-703. In  
34 that proceeding, the burden of proof as to the right of the

1 facility to refuse access under this Section shall be on the  
2 facility.

3 (Source: P.A. 82-783.)

4 (210 ILCS 45/2-201.5)

5 Sec. 2-201.5. Screening prior to admission.

6 (a) All persons age 18 or older seeking admission to a  
7 nursing facility must be screened to determine the need for  
8 nursing facility services prior to being admitted, regardless  
9 of income, assets, or funding source. In addition, any person  
10 who seeks to become eligible for medical assistance from the  
11 Medical Assistance Program under the Illinois Public Aid Code  
12 to pay for long term care services while residing in a facility  
13 must be screened prior to receiving those benefits. Screening  
14 for nursing facility services shall be administered through  
15 procedures established by administrative rule. Screening may  
16 be done by agencies other than the Department as established by  
17 administrative rule. This Section applies on and after July 1,  
18 1996.

19 (b) In addition to the screening required by subsection  
20 (a), registered sex offenders, or offenders serving terms of  
21 probation, parole, mandatory supervised release, or any form of  
22 court-ordered supervision, who seek admission to a licensed  
23 facility shall not be admitted unless the licensed facility  
24 complies with the requirements of the Department's  
25 administrative rules adopted pursuant to Section 3-202.3.

26 (Source: P.A. 91-467, eff. 1-1-00.)

27 (210 ILCS 45/2-216 new)

28 Sec. 2-216. Offenders as residents; notification of  
29 residents and guardians. If registered sex offenders or  
30 offenders serving terms of probation, parole, mandatory  
31 supervised release, or any form of court-ordered supervision  
32 are residents of the licensed facility, the licensed facility

1 shall notify every resident or resident's guardian in writing  
2 that such offenders are residents of the licensed facility.

3 (210 ILCS 45/3-202.3 new)

4 Sec. 3-202.3. Rules; violent offenders, including but not  
5 limited to registered sex offenders, as residents. No later  
6 than 30 days after the effective date of this amendatory Act of  
7 the 94th General Assembly, the Department shall file with the  
8 Joint Committee on Administrative Rules, pursuant to the  
9 Illinois Administrative Procedure Act, a proposed rule or a  
10 proposed amendment to an existing rule regarding the provision  
11 of services to violent offenders, including registered sex  
12 offenders. The proposed rule or proposed amendment to an  
13 existing rule shall provide for, or include, the following:

14 (1) A process for the identification of violent  
15 offenders, including sex offenders.

16 (2) A required risk assessment of identified  
17 offenders.

18 (3) A requirement that a licensed facility be required,  
19 not less than twice per calendar year, to compare a list of  
20 its residents against the Illinois Department of  
21 Corrections and Illinois State Police sex offender  
22 registration databases.

23 (4) The care planning of identified offenders, which  
24 shall include, but not be limited to, a description of the  
25 security measures necessary to protect facility residents  
26 from the identified offender, including whether the  
27 identified offender should be segregated from other  
28 facility residents.

29 (5) The treatment of identified offenders.

30 (6) The discharge planning for identified offenders.

31 Section 10. The Unified Code of Corrections is amended by  
32 changing Section 3-14-1 as follows:

1 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

2 Sec. 3-14-1. Release from the Institution.

3 (a) Upon release of a person on parole, mandatory release,  
4 final discharge or pardon the Department shall return all  
5 property held for him, provide him with suitable clothing and  
6 procure necessary transportation for him to his designated  
7 place of residence and employment. It may provide such person  
8 with a grant of money for travel and expenses which may be paid  
9 in installments. The amount of the money grant shall be  
10 determined by the Department.

11 The Department of Corrections may establish and maintain,  
12 in any institution it administers, revolving funds to be known  
13 as "Travel and Allowances Revolving Funds". These revolving  
14 funds shall be used for advancing travel and expense allowances  
15 to committed, paroled, and discharged prisoners. The moneys  
16 paid into such revolving funds shall be from appropriations to  
17 the Department for Committed, Paroled, and Discharged  
18 Prisoners.

19 (b) (Blank).

20 (c) Except as otherwise provided in this Code, the  
21 Department shall establish procedures to provide written  
22 notification of any release of any person who has been  
23 convicted of a felony to the State's Attorney and sheriff of  
24 the county from which the offender was committed, and the  
25 State's Attorney and sheriff of the county into which the  
26 offender is to be paroled or released. Except as otherwise  
27 provided in this Code, the Department shall establish  
28 procedures to provide written notification to the proper law  
29 enforcement agency for any municipality of any release of any  
30 person who has been convicted of a felony if the arrest of the  
31 offender or the commission of the offense took place in the  
32 municipality, if the offender is to be paroled or released into  
33 the municipality, or if the offender resided in the

1 municipality at the time of the commission of the offense. If a  
2 person convicted of a felony who is in the custody of the  
3 Department of Corrections or on parole or mandatory supervised  
4 release informs the Department that he or she has resided,  
5 resides, or will reside at an address that is a housing  
6 facility owned, managed, operated, or leased by a public  
7 housing agency, the Department must send written notification  
8 of that information to the public housing agency that owns,  
9 manages, operates, or leases the housing facility. The written  
10 notification shall, when possible, be given at least 14 days  
11 before release of the person from custody, or as soon  
12 thereafter as possible.

13 (c-1) (Blank).

14 (c-5) If a person who is in the custody of the Department  
15 of Corrections or on parole or mandatory supervised release  
16 informs the Department, or if the Department becomes aware  
17 during the person's term of parole, mandatory supervised  
18 release, or court-ordered supervision, that he or she intends  
19 to reside in or has become a resident at a facility licensed by  
20 the Illinois Department of Public Health, the Illinois  
21 Department on Aging, or the Illinois Department of Human  
22 Services, the Department of Corrections shall provide copies of  
23 the following information to the licensing Department within 3  
24 days after the person's release, placement, or notification of  
25 residence:

26 (1) All information from the committing court.

27 (2) The social evaluation prepared pursuant to Section  
28 3-8-2.

29 (3) Any pre-release evaluation conducted pursuant to  
30 subsection (j) of Section 3-6-2.

31 (4) Reports of disciplinary infractions and  
32 dispositions.

33 (5) Any parole plan, including orders issued by the  
34 Prisoner Review Board, and any violation reports and

1       dispositions.

2       (c-10) If a person who is in the custody of the Department  
3 of Corrections or on parole or mandatory supervised release  
4 informs the Department, or if the Department becomes aware  
5 during the person's term of parole, mandatory supervised  
6 release, or court-ordered supervision, that he or she intends  
7 to reside in or has becomes a resident at a facility licensed  
8 by the Illinois Department of Public Health, the Illinois  
9 Department on Aging, or the Illinois Department of Human  
10 Services, the Department of Corrections shall provide written  
11 notification, within 3 days after the person's release,  
12 placement, or notification, to the following:

13           (1) The Prisoner Review Board.

14           (2) The chief of police and sheriff in the municipality  
15 and county in which the licensed facility is located.

16       (d) Upon the release of a committed person on parole,  
17 mandatory supervised release, final discharge or pardon, the  
18 Department shall provide such person with information  
19 concerning programs and services of the Illinois Department of  
20 Public Health to ascertain whether such person has been exposed  
21 to the human immunodeficiency virus (HIV) or any identified  
22 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

23       (e) Upon the release of a committed person on parole,  
24 mandatory supervised release, final discharge, or pardon, the  
25 Department shall provide the person who has met the criteria  
26 established by the Department with an identification card  
27 identifying the person as being on parole, mandatory supervised  
28 release, final discharge, or pardon, as the case may be. The  
29 Department, in consultation with the Office of the Secretary of  
30 State, shall prescribe the form of the identification card,  
31 which may be similar to the form of the standard Illinois  
32 Identification Card. The Department shall inform the committed  
33 person that he or she may present the identification card to  
34 the Office of the Secretary of State upon application for a

1 standard Illinois Identification Card in accordance with the  
2 Illinois Identification Card Act. The Department shall require  
3 the committed person to pay a \$1 fee for the identification  
4 card.

5 For purposes of a committed person receiving an  
6 identification card issued by the Department under this  
7 subsection, the Department shall establish criteria that the  
8 committed person must meet before the card is issued. It is the  
9 sole responsibility of the committed person requesting the  
10 identification card issued by the Department to meet the  
11 established criteria. The person's failure to meet the criteria  
12 is sufficient reason to deny the committed person the  
13 identification card. An identification card issued by the  
14 Department under this subsection shall be valid for a period of  
15 time not to exceed 30 calendar days from the date the card is  
16 issued. The Department shall not be held civilly or criminally  
17 liable to anyone because of any act of any person utilizing a  
18 card issued by the Department under this subsection.

19 The Department shall adopt rules governing the issuance of  
20 identification cards to committed persons being released on  
21 parole, mandatory supervised release, final discharge, or  
22 pardon.

23 (Source: P.A. 91-506, eff. 8-13-99; 91-695, eff. 4-13-00;  
24 92-240, eff. 1-1-02.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law."