



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2578

Introduced 02/18/05, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2310/2310-321 new

305 ILCS 5/1-10

305 ILCS 5/5-2

from Ch. 23, par. 5-2

305 ILCS 5/5-5.04 new

305 ILCS 5/9A-4

from Ch. 23, par. 9A-4

730 ILCS 5/3-2-11 new

730 ILCS 5/3-6-2

from Ch. 38, par. 1003-6-2

730 ILCS 5/3-7-2

from Ch. 38, par. 1003-7-2

730 ILCS 5/3-8-2

from Ch. 38, par. 1003-8-2

730 ILCS 5/3-10-2

from Ch. 38, par. 1003-10-2

730 ILCS 5/3-14-4

from Ch. 38, par. 1003-14-4

730 ILCS 125/17.10 new

Creates the African-American HIV/AIDS Response Act. Requires that each of the following designate an African-American HIV/AIDS Response Officer, responsible for coordinating efforts to address the African-American AIDS crisis within his or her respective Office or Department and serving as a liaison to governmental and non-governmental entities: the Office of the Governor; the Department of Human Services; the Department of Public Health; and the Department of Corrections. Provides that a State agency that operates a facility that (i) is accessible to the public, (ii) is a high-traffic facility, and (iii) serves a high-risk community must provide the following in each such facility where space and security reasonably permit: space for free HIV counseling and antibody testing. Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois; provides that on its official Web site, the Department shall provide Web-friendly and printer-friendly versions of educational materials in connection with HIV and AIDS, targeted to persons presently or previously committed to the Department of Corrections or confined in a county jail, as well as family members and friends of such persons. Amends the Illinois Public Aid Code; provides that certain prohibitions against eligibility for cash assistance under the Code do not apply to an individual who has tested positive for HIV; requires the Department of Public Aid to seek federal approval to expand access to health care under the Medicaid program for persons living with HIV/AIDS. Amends the Unified Code of Corrections; requires the Department of Corrections to provide committed persons, their family members, and visitors with certain materials and services in connection with HIV/AIDS, including testing, counseling, and medical care. Amends the County Jail Act, and imposes similar requirements on sheriffs and wardens of county jails. Makes other changes. Effective January 1, 2006.

LRB094 07259 DRJ 37415 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to health.

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

4 Section 1. Short title. This Act may be cited as the
5 African-American HIV/AIDS Response Act.

6 Section 5. Legislative finding. The General Assembly finds
7 that HIV/AIDS in the African-American community is a crisis
8 separate and apart from the overall issue of HIV/AIDS in other
9 communities.

10 Section 10. African-American HIV/AIDS Response Officer. An
11 African-American HIV/AIDS Response Officer, responsible for
12 coordinating efforts to address the African-American AIDS
13 crisis within his or her respective Office or Department and
14 serving as a liaison to governmental and non-governmental
15 entities beyond his or her respective Office or Department
16 regarding the same, shall be designated in each of the
17 following:

- 18 (1) The Office of the Governor.
19 (2) The Department of Human Services.
20 (3) The Department of Public Health.
21 (4) The Department of Corrections.

22 Section 15. State agencies; HIV testing.

23 (a) In this Section:

24 "High-risk community" means a community designated as
25 high-risk by the Department of Public Health in rules.

26 "High-traffic facility" means a high-traffic facility as
27 defined by the Department of Central Management Services in
28 rules.

29 "State agency" means (i) any department of State government
30 created under Section 5-15 of the Departments of State

1 Government Law of the Civil Administrative Code of Illinois or
2 (ii) the Office of the Secretary of State.

3 (b) The Department of Public Health shall coordinate the
4 response to HIV/AIDS in the African-American community.

5 (c) A State agency that operates a facility that (i) is
6 accessible to the public, (ii) is a high-traffic facility, and
7 (iii) serves a high-risk community must provide the following
8 in each such facility where space and security reasonably
9 permit: space for free HIV counseling and antibody testing, in
10 accordance with the AIDS Confidentiality Act and rules adopted
11 by the Department of Public Health.

12 (d) Neither the State of Illinois nor any State agency
13 supplying space for services authorized by this Section shall
14 be liable for damages based on the provision of such space or
15 claimed to result from any services performed in such space,
16 except that this immunity does not apply in the case of willful
17 and wanton misconduct.

18 Section 20. Rules.

19 (a) No later than January 15, 2006, the Department of
20 Public Health shall issue proposed rules for designating
21 high-risk communities and for implementing subsection (c) of
22 Section 15. The rules must include, but may not be limited to,
23 a standard testing protocol, training for staff,
24 community-based organization experience, and the removal and
25 proper disposal of hazardous waste.

26 (b) No later than January 15, 2006, the Department of
27 Central Management Services shall issue proposed rules
28 defining high-traffic facilities.

29 Section 90. The Department of Public Health Powers and
30 Duties Law of the Civil Administrative Code of Illinois is
31 amended by adding Section 2310-321 as follows:

32 (20 ILCS 2310/2310-321 new)

33 Sec. 2310-321. Information for persons committed to the

1 Department of Corrections and persons confined in a county
2 jail. On the Department's official Web site, the Department
3 shall provide Web-friendly and printer-friendly versions of
4 educational materials targeted to persons presently or
5 previously committed to the Department of Corrections or
6 confined in a county jail, as well as family members and
7 friends of such persons. The information shall include
8 information concerning testing, counseling, and case
9 management, including referrals and support services, in
10 connection with human immunodeficiency virus (HIV) or any other
11 identified causative agent of acquired immunodeficiency
12 syndrome (AIDS).

13 Section 92. The Illinois Public Aid Code is amended by
14 changing Sections 1-10, 5-2, and 9A-4 and by adding Section
15 5-5.04 as follows:

16 (305 ILCS 5/1-10)

17 Sec. 1-10. Drug convictions.

18 (a) Persons convicted of an offense under the Illinois
19 Controlled Substances Act or the Cannabis Control Act which is
20 a Class X felony, or a Class 1 felony, or comparable federal
21 criminal law which has as an element the possession, use, or
22 distribution of a controlled substance, as defined in Section
23 102(6) of the federal Controlled Substances Act (21 U.S.C.
24 802(c)), shall not be eligible for cash assistance provided
25 under this Code. This prohibition does not apply, however, in
26 the case of an individual applying for assistance under Article
27 IV if the individual has tested positive for HIV.

28 (b) Persons convicted of any other felony under the
29 Illinois Controlled Substances Act or the Cannabis Control Act
30 which is not a Class X or Class 1 felony, or comparable federal
31 criminal law which has as an element the possession, use, or
32 distribution of a controlled substance, as defined in Section
33 102(6) of the federal Controlled Substances Act (21 U.S.C.
34 802(c)), shall not be eligible for cash assistance provided

1 under this Code for 2 years from the date of conviction. This
2 prohibition shall not apply if the person is in a drug
3 treatment program, aftercare program, or similar program as
4 defined by rule. This prohibition also does not apply in the
5 case of an individual applying for assistance under Article IV
6 if the individual has tested positive for HIV.

7 (c) Persons shall not be determined ineligible for food
8 stamps provided under this Code based upon a conviction of any
9 felony or comparable federal or State criminal law which has an
10 element the possession, use or distribution of a controlled
11 substance, as defined in Section 102(6) of the federal
12 Controlled Substance Act (21 U.S.C. 802(c)).

13 (Source: P.A. 90-17, eff. 7-1-97.)

14 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

15 Sec. 5-2. Classes of Persons Eligible. Medical assistance
16 under this Article shall be available to any of the following
17 classes of persons in respect to whom a plan for coverage has
18 been submitted to the Governor by the Illinois Department and
19 approved by him:

20 1. Recipients of basic maintenance grants under Articles
21 III and IV.

22 2. Persons otherwise eligible for basic maintenance under
23 Articles III and IV but who fail to qualify thereunder on the
24 basis of need, and who have insufficient income and resources
25 to meet the costs of necessary medical care, including but not
26 limited to the following:

27 (a) All persons otherwise eligible for basic
28 maintenance under Article III but who fail to qualify under
29 that Article on the basis of need and who meet either of
30 the following requirements:

31 (i) their income, as determined by the Illinois
32 Department in accordance with any federal
33 requirements, is equal to or less than 70% in fiscal
34 year 2001, equal to or less than 85% in fiscal year
35 2002 and until a date to be determined by the

1 Department by rule, and equal to or less than 100%
2 beginning on the date determined by the Department by
3 rule, of the nonfarm income official poverty line, as
4 defined by the federal Office of Management and Budget
5 and revised annually in accordance with Section 673(2)
6 of the Omnibus Budget Reconciliation Act of 1981,
7 applicable to families of the same size; or

8 (ii) their income, after the deduction of costs
9 incurred for medical care and for other types of
10 remedial care, is equal to or less than 70% in fiscal
11 year 2001, equal to or less than 85% in fiscal year
12 2002 and until a date to be determined by the
13 Department by rule, and equal to or less than 100%
14 beginning on the date determined by the Department by
15 rule, of the nonfarm income official poverty line, as
16 defined in item (i) of this subparagraph (a).

17 (b) All persons who would be determined eligible for
18 such basic maintenance under Article IV by disregarding the
19 maximum earned income permitted by federal law.

20 3. Persons who would otherwise qualify for Aid to the
21 Medically Indigent under Article VII.

22 4. Persons not eligible under any of the preceding
23 paragraphs who fall sick, are injured, or die, not having
24 sufficient money, property or other resources to meet the costs
25 of necessary medical care or funeral and burial expenses.

26 5. (a) Women during pregnancy, after the fact of pregnancy
27 has been determined by medical diagnosis, and during the
28 60-day period beginning on the last day of the pregnancy,
29 together with their infants and children born after
30 September 30, 1983, whose income and resources are
31 insufficient to meet the costs of necessary medical care to
32 the maximum extent possible under Title XIX of the Federal
33 Social Security Act.

34 (b) The Illinois Department and the Governor shall
35 provide a plan for coverage of the persons eligible under
36 paragraph 5(a) by April 1, 1990. Such plan shall provide

1 ambulatory prenatal care to pregnant women during a
2 presumptive eligibility period and establish an income
3 eligibility standard that is equal to 133% of the nonfarm
4 income official poverty line, as defined by the federal
5 Office of Management and Budget and revised annually in
6 accordance with Section 673(2) of the Omnibus Budget
7 Reconciliation Act of 1981, applicable to families of the
8 same size, provided that costs incurred for medical care
9 are not taken into account in determining such income
10 eligibility.

11 (c) The Illinois Department may conduct a
12 demonstration in at least one county that will provide
13 medical assistance to pregnant women, together with their
14 infants and children up to one year of age, where the
15 income eligibility standard is set up to 185% of the
16 nonfarm income official poverty line, as defined by the
17 federal Office of Management and Budget. The Illinois
18 Department shall seek and obtain necessary authorization
19 provided under federal law to implement such a
20 demonstration. Such demonstration may establish resource
21 standards that are not more restrictive than those
22 established under Article IV of this Code.

23 6. Persons under the age of 18 who fail to qualify as
24 dependent under Article IV and who have insufficient income and
25 resources to meet the costs of necessary medical care to the
26 maximum extent permitted under Title XIX of the Federal Social
27 Security Act.

28 7. Persons who are under 21 years of age and would qualify
29 as disabled as defined under the Federal Supplemental Security
30 Income Program, provided medical service for such persons would
31 be eligible for Federal Financial Participation, and provided
32 the Illinois Department determines that:

33 (a) the person requires a level of care provided by a
34 hospital, skilled nursing facility, or intermediate care
35 facility, as determined by a physician licensed to practice
36 medicine in all its branches;

1 (b) it is appropriate to provide such care outside of
2 an institution, as determined by a physician licensed to
3 practice medicine in all its branches;

4 (c) the estimated amount which would be expended for
5 care outside the institution is not greater than the
6 estimated amount which would be expended in an institution.

7 8. Persons who become ineligible for basic maintenance
8 assistance under Article IV of this Code in programs
9 administered by the Illinois Department due to employment
10 earnings and persons in assistance units comprised of adults
11 and children who become ineligible for basic maintenance
12 assistance under Article VI of this Code due to employment
13 earnings. The plan for coverage for this class of persons
14 shall:

15 (a) extend the medical assistance coverage for up to 12
16 months following termination of basic maintenance
17 assistance; and

18 (b) offer persons who have initially received 6 months
19 of the coverage provided in paragraph (a) above, the option
20 of receiving an additional 6 months of coverage, subject to
21 the following:

22 (i) such coverage shall be pursuant to provisions
23 of the federal Social Security Act;

24 (ii) such coverage shall include all services
25 covered while the person was eligible for basic
26 maintenance assistance;

27 (iii) no premium shall be charged for such
28 coverage; and

29 (iv) such coverage shall be suspended in the event
30 of a person's failure without good cause to file in a
31 timely fashion reports required for this coverage
32 under the Social Security Act and coverage shall be
33 reinstated upon the filing of such reports if the
34 person remains otherwise eligible.

35 9. Persons with acquired immunodeficiency syndrome (AIDS)
36 or with AIDS-related conditions with respect to whom there has

1 been a determination that but for home or community-based
2 services such individuals would require the level of care
3 provided in an inpatient hospital, skilled nursing facility or
4 intermediate care facility the cost of which is reimbursed
5 under this Article. Assistance shall be provided to such
6 persons to the maximum extent permitted under Title XIX of the
7 Federal Social Security Act.

8 10. Participants in the long-term care insurance
9 partnership program established under the Partnership for
10 Long-Term Care Act who meet the qualifications for protection
11 of resources described in Section 25 of that Act.

12 11. Persons with disabilities who are employed and eligible
13 for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of
14 the Social Security Act, as provided by the Illinois Department
15 by rule.

16 12. Subject to federal approval, persons who are eligible
17 for medical assistance coverage under applicable provisions of
18 the federal Social Security Act and the federal Breast and
19 Cervical Cancer Prevention and Treatment Act of 2000. Those
20 eligible persons are defined to include, but not be limited to,
21 the following persons:

22 (1) persons who have been screened for breast or
23 cervical cancer under the U.S. Centers for Disease Control
24 and Prevention Breast and Cervical Cancer Program
25 established under Title XV of the federal Public Health
26 Services Act in accordance with the requirements of Section
27 1504 of that Act as administered by the Illinois Department
28 of Public Health; and

29 (2) persons whose screenings under the above program
30 were funded in whole or in part by funds appropriated to
31 the Illinois Department of Public Health for breast or
32 cervical cancer screening.

33 "Medical assistance" under this paragraph 12 shall be identical
34 to the benefits provided under the State's approved plan under
35 Title XIX of the Social Security Act. The Department must
36 request federal approval of the coverage under this paragraph

1 12 within 30 days after the effective date of this amendatory
2 Act of the 92nd General Assembly.

3 13. Subject to federal approval, persons living with
4 HIV/AIDS who are not otherwise eligible under this Article and
5 who qualify for services covered under Section 5-5.04 as
6 provided by the Illinois Department by rule.

7 The Illinois Department and the Governor shall provide a
8 plan for coverage of the persons eligible under paragraph 7 as
9 soon as possible after July 1, 1984.

10 The eligibility of any such person for medical assistance
11 under this Article is not affected by the payment of any grant
12 under the Senior Citizens and Disabled Persons Property Tax
13 Relief and Pharmaceutical Assistance Act or any distributions
14 or items of income described under subparagraph (X) of
15 paragraph (2) of subsection (a) of Section 203 of the Illinois
16 Income Tax Act. The Department shall by rule establish the
17 amounts of assets to be disregarded in determining eligibility
18 for medical assistance, which shall at a minimum equal the
19 amounts to be disregarded under the Federal Supplemental
20 Security Income Program. The amount of assets of a single
21 person to be disregarded shall not be less than \$2,000, and the
22 amount of assets of a married couple to be disregarded shall
23 not be less than \$3,000.

24 To the extent permitted under federal law, any person found
25 guilty of a second violation of Article VIIIA shall be
26 ineligible for medical assistance under this Article, as
27 provided in Section 8A-8.

28 The eligibility of any person for medical assistance under
29 this Article shall not be affected by the receipt by the person
30 of donations or benefits from fundraisers held for the person
31 in cases of serious illness, as long as neither the person nor
32 members of the person's family have actual control over the
33 donations or benefits or the disbursement of the donations or
34 benefits.

35 (Source: P.A. 92-16, eff. 6-28-01; 92-47, eff. 7-3-01; 92-597,
36 eff. 6-28-02; 93-20, eff. 6-20-03.)

1 (305 ILCS 5/5-5.04 new)

2 Sec. 5-5.04. Persons living with HIV/AIDS. The Department
3 of Public Aid shall seek federal approval to expand access to
4 health care for persons living with HIV/AIDS. The Department
5 shall adopt rules for this program.

6 (305 ILCS 5/9A-4) (from Ch. 23, par. 9A-4)

7 Sec. 9A-4. Participation.

8 (a) Except for those exempted under subsection (b) below,
9 and to the extent resources permit, the Illinois Department as
10 a condition of eligibility for public aid, may, as provided by
11 rule, require all recipients to participate in an education,
12 training, and employment program, which shall include
13 accepting suitable employment and refraining from terminating
14 employment or reducing earnings without good cause.

15 (b) Recipients shall be exempt from the requirement of
16 participation in the education, training, and employment
17 program in the following circumstances:

18 (1) the ~~The~~ recipient is a person over age 60; ~~or~~

19 (2) the ~~The~~ recipient is a person with a child under
20 age one; or

21 (3) a physician, licensed to practice medicine in all
22 its branches under the Medical Practice Act of 1987,
23 determines that, in his or her best clinical judgment and
24 based on the particular facts of the case before him or
25 her, (i) participation may threaten the life or health of
26 the recipient or (ii) the recipient has a temporary
27 incapacity that is health-related in whole or in part. The
28 physician shall specify the period of time for which the
29 recipient is to be exempt, not to exceed 6 months, and
30 shall certify his or her judgment and the underlying facts
31 considered in reaching a determination in writing on a form
32 prescribed by the Illinois Department by rule.

33 (Source: P.A. 89-6, eff. 3-6-95; 90-17, eff. 7-1-97.)

1 Section 94. The Unified Code of Corrections is amended by
2 changing Sections 3-6-2, 3-7-2, 3-8-2, 3-10-2, and 3-14-4 and
3 by adding Section 3-2-11 as follows:

4 (730 ILCS 5/3-2-11 new)

5 Sec. 3-2-11. Web link to Department of Public Health
6 information. On the Department's official Web site, the
7 Department shall provide a link to the information provided to
8 persons committed to the Department and those persons' family
9 members and friends by the Department of Public Health pursuant
10 to Section 2310-321 of the Department of Public Health Powers
11 and Duties Law of the Civil Administrative Code of Illinois.

12 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

13 Sec. 3-6-2. Institutions and Facility Administration.

14 (a) Each institution and facility of the Department shall
15 be administered by a chief administrative officer appointed by
16 the Director. A chief administrative officer shall be
17 responsible for all persons assigned to the institution or
18 facility. The chief administrative officer shall administer
19 the programs of the Department for the custody and treatment of
20 such persons.

21 (b) The chief administrative officer shall have such
22 assistants as the Department may assign.

23 (c) The Director or Assistant Director shall have the
24 emergency powers to temporarily transfer individuals without
25 formal procedures to any State, county, municipal or regional
26 correctional or detention institution or facility in the State,
27 subject to the acceptance of such receiving institution or
28 facility, or to designate any reasonably secure place in the
29 State as such an institution or facility and to make transfers
30 thereto. However, transfers made under emergency powers shall
31 be reviewed as soon as practicable under Article 8, and shall
32 be subject to Section 5-905 of the Juvenile Court Act of 1987.
33 This Section shall not apply to transfers to the Department of
34 Human Services which are provided for under Section 3-8-5 or

1 Section 3-10-5.

2 (d) The Department shall provide educational programs for
3 all committed persons so that all persons have an opportunity
4 to attain the achievement level equivalent to the completion of
5 the twelfth grade in the public school system in this State.
6 Other higher levels of attainment shall be encouraged and
7 professional instruction shall be maintained wherever
8 possible. The Department may establish programs of mandatory
9 education and may establish rules and regulations for the
10 administration of such programs. A person committed to the
11 Department who, during the period of his or her incarceration,
12 participates in an educational program provided by or through
13 the Department and through that program is awarded or earns the
14 number of hours of credit required for the award of an
15 associate, baccalaureate, or higher degree from a community
16 college, college, or university located in Illinois shall
17 reimburse the State, through the Department, for the costs
18 incurred by the State in providing that person during his or
19 her incarceration with the education that qualifies him or her
20 for the award of that degree. The costs for which reimbursement
21 is required under this subsection shall be determined and
22 computed by the Department under rules and regulations that it
23 shall establish for that purpose. However, interest at the rate
24 of 6% per annum shall be charged on the balance of those costs
25 from time to time remaining unpaid, from the date of the
26 person's parole, mandatory supervised release, or release
27 constituting a final termination of his or her commitment to
28 the Department until paid.

29 (d-5) A person committed to the Department is entitled to
30 confidential testing for infection with human immunodeficiency
31 virus (HIV) or any other identified causative agent of acquired
32 immunodeficiency syndrome (AIDS) and to counseling in
33 connection with such testing, all at no charge to the committed
34 person. A committed person who has tested positive for
35 infection with HIV or any other identified causative agent of
36 AIDS is entitled to appropriate medical care, counseling, and

1 case management, including referrals and support services, in
2 connection with that positive test result.

3 (e) A person committed to the Department who becomes in
4 need of medical or surgical treatment but is incapable of
5 giving consent thereto shall receive such medical or surgical
6 treatment by the chief administrative officer consenting on the
7 person's behalf. Before the chief administrative officer
8 consents, he or she shall obtain the advice of one or more
9 physicians licensed to practice medicine in all its branches in
10 this State. If such physician or physicians advise:

11 (1) that immediate medical or surgical treatment is
12 required relative to a condition threatening to cause
13 death, damage or impairment to bodily functions, or
14 disfigurement; and

15 (2) that the person is not capable of giving consent to
16 such treatment; the chief administrative officer may give
17 consent for such medical or surgical treatment, and such
18 consent shall be deemed to be the consent of the person for
19 all purposes, including, but not limited to, the authority
20 of a physician to give such treatment.

21 (e-5) If a physician providing medical care to a committed
22 person on behalf of the Department advises the chief
23 administrative officer that the committed person's mental or
24 physical health has deteriorated as a result of the cessation
25 of ingestion of food or liquid to the point where medical or
26 surgical treatment is required to prevent death, damage, or
27 impairment to bodily functions, the chief administrative
28 officer may authorize such medical or surgical treatment.

29 (f) In the event that the person requires medical care and
30 treatment at a place other than the institution or facility,
31 the person may be removed therefrom under conditions prescribed
32 by the Department. The Department shall require the committed
33 person receiving medical or dental services on a non-emergency
34 basis to pay a \$2 co-payment to the Department for each visit
35 for medical or dental services. The amount of each co-payment
36 shall be deducted from the committed person's individual

1 account. A committed person who has a chronic illness, as
2 defined by Department rules and regulations, shall be exempt
3 from the \$2 co-payment for treatment of the chronic illness. A
4 committed person shall not be subject to a \$2 co-payment for
5 follow-up visits ordered by a physician, who is employed by, or
6 contracts with, the Department. A committed person who is
7 indigent is exempt from the \$2 co-payment and is entitled to
8 receive medical or dental services on the same basis as a
9 committed person who is financially able to afford the
10 co-payment. Notwithstanding any other provision in this
11 subsection (f) to the contrary, any person committed to any
12 facility operated by the Juvenile Division, as set forth in
13 subsection (b) of Section 3-2-5 of this Code, is exempt from
14 the co-payment requirement for the duration of confinement in
15 those facilities.

16 (g) Any person having sole custody of a child at the time
17 of commitment or any woman giving birth to a child after her
18 commitment, may arrange through the Department of Children and
19 Family Services for suitable placement of the child outside of
20 the Department of Corrections. The Director of the Department
21 of Corrections may determine that there are special reasons why
22 the child should continue in the custody of the mother until
23 the child is 6 years old.

24 (h) The Department may provide Family Responsibility
25 Services which may consist of, but not be limited to the
26 following:

- 27 (1) family advocacy counseling;
- 28 (2) parent self-help group;
- 29 (3) parenting skills training;
- 30 (4) parent and child overnight program;
- 31 (5) parent and child reunification counseling, either
32 separately or together, preceding the inmate's release;
- 33 and
- 34 (6) a prerelease reunification staffing involving the
35 family advocate, the inmate and the child's counselor, or
36 both and the inmate.

1 (i) Prior to the release of any inmate who has a documented
2 history of intravenous drug use, and upon the receipt of that
3 inmate's written informed consent, the Department shall
4 provide for the testing of such inmate for infection with human
5 immunodeficiency virus (HIV) and any other identified
6 causative agent of acquired immunodeficiency syndrome (AIDS).
7 The testing provided under this subsection shall consist of an
8 enzyme-linked immunosorbent assay (ELISA) test or such other
9 test as may be approved by the Illinois Department of Public
10 Health. If the test result is positive, the Western Blot Assay
11 or more reliable confirmatory test shall be administered. All
12 inmates tested in accordance with the provisions of this
13 subsection shall be provided with pre-test and post-test
14 counseling. Notwithstanding any provision of this subsection
15 to the contrary, the Department shall not be required to
16 conduct the testing and counseling required by this subsection
17 unless sufficient funds to cover all costs of such testing and
18 counseling are appropriated for that purpose by the General
19 Assembly.

20 (j) Any person convicted of a sex offense as defined in the
21 Sex Offender Management Board Act shall be required to receive
22 a sex offender evaluation prior to release into the community
23 from the Department of Corrections. The sex offender evaluation
24 shall be conducted in conformance with the standards and
25 guidelines developed under the Sex Offender Management Board
26 Act and by an evaluator approved by the Board.

27 (k) Any minor committed to the Department of
28 Corrections-Juvenile Division for a sex offense as defined by
29 the Sex Offender Management Board Act shall be required to
30 undergo sex offender treatment by a treatment provider approved
31 by the Board and conducted in conformance with the Sex Offender
32 Management Board Act.

33 (l) Prior to the release of any inmate, the Department must
34 provide the inmate with the option of testing for infection
35 with human immunodeficiency virus (HIV) or any other identified
36 causative agent of acquired immunodeficiency syndrome (AIDS),

1 as well as counseling in connection with such testing, all at
2 no charge to the inmate. At the same time, the Department shall
3 require each such inmate to sign a form stating that the inmate
4 has been informed of his or her rights with respect to the
5 testing required to be offered under this subsection (1) and
6 providing the inmate with an opportunity to indicate either
7 that he or she wants to be tested or that he or she does not
8 want to be tested. The Department, in consultation with the
9 Department of Public Health, shall prescribe the contents of
10 the form. The testing provided under this subsection (1) shall
11 consist of an enzyme-linked immunosorbent assay (ELISA) test or
12 any other test approved by the Department of Public Health. If
13 the test result is positive, the Western Blot Assay or more
14 reliable confirmatory test shall be administered.

15 Prior to an inmate's release, the Department must also
16 inform the inmate of the Department's obligation to provide the
17 inmate with medical care at no charge.

18 Prior to the release of an inmate who the Department knows
19 has tested positive for infection with HIV or any other
20 identified causative agent of AIDS, the Department in a timely
21 manner shall provide the inmate with transitional case
22 management, including referrals to other support services,
23 within a linked network of services.

24 (Source: P.A. 92-292, eff. 8-9-01; 93-616, eff. 1-1-04; 93-928,
25 eff. 1-1-05.)

26 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

27 Sec. 3-7-2. Facilities.

28 (a) All institutions and facilities of the Department shall
29 provide every committed person with access to toilet
30 facilities, barber facilities, bathing facilities at least
31 once each week, a library of legal materials and published
32 materials including newspapers and magazines approved by the
33 Director. A committed person may not receive any materials that
34 the Director deems pornographic.

35 (b) (Blank).

1 (c) All institutions and facilities of the Department shall
2 provide facilities for every committed person to leave his cell
3 for at least one hour each day unless the chief administrative
4 officer determines that it would be harmful or dangerous to the
5 security or safety of the institution or facility.

6 (d) All institutions and facilities of the Department shall
7 provide every committed person with a wholesome and nutritional
8 diet at regularly scheduled hours, drinking water, clothing
9 adequate for the season, bedding, soap and towels and medical
10 and dental care.

11 (e) All institutions and facilities of the Department shall
12 permit every committed person to send and receive an unlimited
13 number of uncensored letters, provided, however, that the
14 Director may order that mail be inspected and read for reasons
15 of the security, safety or morale of the institution or
16 facility.

17 (f) All of the institutions and facilities of the
18 Department shall permit every committed person to receive
19 visitors, except in case of abuse of the visiting privilege or
20 when the chief administrative officer determines that such
21 visiting would be harmful or dangerous to the security, safety
22 or morale of the institution or facility. The chief
23 administrative officer shall have the right to restrict
24 visitation to non-contact visits for reasons of safety,
25 security, and order, including, but not limited to, restricting
26 contact visits for committed persons engaged in gang activity.
27 No committed person in a super maximum security facility or on
28 disciplinary segregation is allowed contact visits. Any
29 committed person found in possession of illegal drugs or who
30 fails a drug test shall not be permitted contact visits for a
31 period of at least 6 months. Any committed person involved in
32 gang activities or found guilty of assault committed against a
33 Department employee shall not be permitted contact visits for a
34 period of at least 6 months. The Department must provide every
35 visitor with appropriate written information concerning HIV
36 and AIDS, including information concerning persons or entities

1 to contact for local counseling. The Department shall develop
2 the written materials in consultation with the Department of
3 Public Health.

4 (g) All institutions and facilities of the Department shall
5 permit religious ministrations and sacraments to be available
6 to every committed person, but attendance at religious services
7 shall not be required.

8 (h) Within 90 days after December 31, 1996, the Department
9 shall prohibit the use of curtains, cell-coverings, or any
10 other matter or object that obstructs or otherwise impairs the
11 line of vision into a committed person's cell.

12 (i) Neither the Department nor an institution or facility
13 of the Department may declare condoms to be contraband. The
14 Department must provide for the reasonable distribution and
15 possession of condoms by persons committed to the Department,
16 in accordance with rules adopted by the Department in
17 consultation with the Department of Public Health.

18 (Source: P.A. 90-14, eff. 7-1-97; 91-912, eff. 7-7-00.)

19 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

20 Sec. 3-8-2. Social Evaluation; physical examination;
21 HIV/AIDS. (a) A social evaluation shall be made of a committed
22 person's medical, psychological, educational and vocational
23 condition and history, including the use of alcohol and other
24 drugs, the circumstances of his offense, and such other
25 information as the Department may determine. The committed
26 person shall be assigned to an institution or facility in so
27 far as practicable in accordance with the social evaluation.
28 Recommendations shall be made for medical, dental,
29 psychiatric, psychological and social service treatment.

30 (b) A record of the social evaluation shall be entered in
31 the committed person's master record file and shall be
32 forwarded to the institution or facility to which the person is
33 assigned.

34 (c) Upon admission to a correctional institution each
35 committed person shall be given a physical examination. If he

1 is suspected of having a communicable disease that in the
2 judgment of the Department medical personnel requires medical
3 isolation, the committed person shall remain in medical
4 isolation until it is no longer deemed medically necessary.

5 (d) Upon a committed person's admission to a correctional
6 institution or facility, the Department must provide the
7 committed person with appropriate written information and
8 counseling concerning HIV and AIDS. The Department shall
9 develop the written materials in consultation with the
10 Department of Public Health. At the same time, the Department
11 also must offer the committed person the option of being
12 tested, at no charge to the committed person, for infection
13 with human immunodeficiency virus (HIV) or any other identified
14 causative agent of acquired immunodeficiency syndrome (AIDS).
15 The Department shall require each committed person to sign a
16 form stating that the committed person has been informed of his
17 or her rights with respect to the testing required to be
18 offered under this subsection (d) and providing the committed
19 person with an opportunity to indicate either that he or she
20 wants to be tested or that he or she does not want to be tested.
21 The Department, in consultation with the Department of Public
22 Health, shall prescribe the contents of the form. The testing
23 provided under this subsection (d) shall consist of an
24 enzyme-linked immunosorbent assay (ELISA) test or any other
25 test approved by the Department of Public Health. If the test
26 result is positive, the Western Blot Assay or more reliable
27 confirmatory test shall be administered.

28 Also upon a committed person's admission to a correctional
29 institution or facility, the Department must inform the
30 committed person of the Department's obligation to provide the
31 committed person with medical care at no charge.

32 (Source: P.A. 87-1256.)

33 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

34 Sec. 3-10-2. Examination of Persons Committed to the
35 Juvenile Division.

1 (a) A person committed to the Juvenile Division shall be
2 examined in regard to his medical, psychological, social,
3 educational and vocational condition and history, including
4 the use of alcohol and other drugs, the circumstances of his
5 offense and any other information as the Department may
6 determine.

7 (a-5) Upon admission of a person committed to the Juvenile
8 Division, the Department must provide the person with
9 appropriate written information and counseling concerning HIV
10 and AIDS. The Department shall develop the written materials in
11 consultation with the Department of Public Health. At the same
12 time, the Department also must offer the person the option of
13 being tested, at no charge to the person, for infection with
14 human immunodeficiency virus (HIV) or any other identified
15 causative agent of acquired immunodeficiency syndrome (AIDS).
16 The Department shall require each person committed to the
17 Juvenile Division to sign a form stating that the person has
18 been informed of his or her rights with respect to the testing
19 required to be offered under this subsection (a-5) and
20 providing the person with an opportunity to indicate either
21 that he or she wants to be tested or that he or she does not
22 want to be tested. The Department, in consultation with the
23 Department of Public Health, shall prescribe the contents of
24 the form. The testing provided under this subsection (a-5)
25 shall consist of an enzyme-linked immunosorbent assay (ELISA)
26 test or any other test approved by the Department of Public
27 Health. If the test result is positive, the Western Blot Assay
28 or more reliable confirmatory test shall be administered.

29 Also upon admission of a person committed to the Juvenile
30 Division, the Department must inform the person of the
31 Department's obligation to provide the person with medical care
32 at no charge.

33 (b) Based on its examination, the Department may exercise
34 the following powers in developing a treatment program of any
35 person committed to the Juvenile Division:

36 (1) Require participation by him in vocational,

1 physical, educational and corrective training and
2 activities to return him to the community.

3 (2) Place him in any institution or facility of the
4 Juvenile Division.

5 (3) Order replacement or referral to the Parole and
6 Pardon Board as often as it deems desirable. The Department
7 shall refer the person to the Parole and Pardon Board as
8 required under Section 3-3-4.

9 (4) Enter into agreements with the Secretary of Human
10 Services and the Director of Children and Family Services,
11 with courts having probation officers, and with private
12 agencies or institutions for separate care or special
13 treatment of persons subject to the control of the
14 Department.

15 (c) The Department shall make periodic reexamination of all
16 persons under the control of the Juvenile Division to determine
17 whether existing orders in individual cases should be modified
18 or continued. This examination shall be made with respect to
19 every person at least once annually.

20 (d) A record of the treatment decision including any
21 modification thereof and the reason therefor, shall be part of
22 the committed person's master record file.

23 (e) The Department shall by certified mail, return receipt
24 requested, notify the parent, guardian or nearest relative of
25 any person committed to the Juvenile Division of his physical
26 location and any change thereof.

27 (Source: P.A. 89-507, eff. 7-1-97.)

28 (730 ILCS 5/3-14-4) (from Ch. 38, par. 1003-14-4)

29 Sec. 3-14-4. Half-way Houses.

30 (a) The Department may establish and maintain half-way
31 houses for the residence of persons on parole or mandatory
32 release. Such half-way houses shall be maintained apart from
33 security institutions, except that the Director of Corrections
34 is authorized to designate that any work or day release
35 facility, or any portion thereof, may be used as a half-way

1 house for the residence of persons on parole or mandatory
2 supervised release.

3 (b) For those persons to be placed in a half-way house
4 directly upon release from an institution on parole or
5 mandatory supervised release status, not less than 15 days
6 prior to the placement of such a person in such a half-way
7 house, the Department of Corrections shall give written notice
8 to the State's Attorney and the Sheriff of the county and the
9 proper law enforcement agency of the municipality in which the
10 half-way house is located of the identity of the person to be
11 placed in that program. Such identifying information shall
12 include, but not be limited to, the name of the individual,
13 age, physical description, photograph, the crime for which the
14 person was originally sentenced to the Department of
15 Corrections, and like information. The notice shall be given in
16 all cases, except when placement of an emergency nature is
17 necessary. In such emergency cases, oral notice shall be given
18 to the appropriate parties within 24 hours with written notice
19 to follow within 5 days.

20 (c) Persons on parole or mandatory supervised release
21 status who have been previously released to the community, but
22 who are not currently residing in a half-way house, may be
23 placed in a half-way house upon the oral notification of the
24 parties within 24 hours as indicated in subsection (b) of this
25 Section. Such oral notification shall be followed with written
26 notification within 5 days.

27 (d) The Department is responsible for providing
28 appropriate medication for all persons who have tested positive
29 for infection with human immunodeficiency virus (HIV) or any
30 other identified causative agent of acquired immunodeficiency
31 syndrome (AIDS) and who are residing in a half-way house.

32 (Source: P.A. 91-695, eff. 4-13-00.)

33 Section 95. The County Jail Act is amended by adding
34 Section 17.10 as follows:

1 (730 ILCS 125/17.10 new)

2 Sec. 17.10. Requirements in connection with HIV/AIDS.

3 (a) Upon a prisoner's confinement in a jail, the warden of
4 the jail must provide the prisoner with appropriate written
5 information and counseling concerning human immunodeficiency
6 virus (HIV) and acquired immunodeficiency syndrome (AIDS). The
7 sheriff of the county shall develop the written materials in
8 consultation with the Department of Public Health. At the same
9 time, the warden also must offer the prisoner the option of
10 being tested, at no charge to the prisoner, for infection with
11 HIV or any other identified causative agent of AIDS. The warden
12 shall require each prisoner to sign a form stating that the
13 prisoner has been informed of his or her rights with respect to
14 the testing required to be offered under this subsection (a)
15 and providing the prisoner with an opportunity to indicate
16 either that he or she wants to be tested or that he or she does
17 not want to be tested. The sheriff of the county, in
18 consultation with the Department of Public Health, shall
19 prescribe the contents of the form. The testing provided under
20 this subsection (a) shall consist of an enzyme-linked
21 immunosorbent assay (ELISA) test or any other test approved by
22 the Department of Public Health. If the test result is
23 positive, the Western Blot Assay or more reliable confirmatory
24 test shall be administered.

25 Also upon a prisoner's confinement in jail the warden must
26 inform the prisoner of the county's obligation to provide the
27 prisoner with medical care at no charge.

28 (b) A prisoner committed to a jail is entitled to
29 confidential testing for infection with human immunodeficiency
30 virus (HIV) or any other identified causative agent of acquired
31 immunodeficiency syndrome (AIDS) and to counseling in
32 connection with such testing, all at no charge to the prisoner.
33 A prisoner who has tested positive for infection with HIV or
34 any other identified causative agent of AIDS is entitled to
35 appropriate medical care, counseling, and case management,
36 including referrals and support services, in connection with

1 that positive test result.

2 (c) The warden of the jail must provide every visitor to
3 the jail with appropriate written information concerning HIV
4 and AIDS, including information concerning persons or entities
5 to contact for local counseling. The sheriff of the county
6 shall develop the written materials in consultation with the
7 Department of Public Health.

8 (d) Prior to the release of any prisoner, the warden of the
9 jail must provide the prisoner with the option of testing for
10 infection with human immunodeficiency virus (HIV) or any other
11 identified causative agent of acquired immunodeficiency
12 syndrome (AIDS), as well as counseling in connection with such
13 testing, all at no charge to the inmate. At the same time, the
14 warden shall require each such prisoner to sign a form stating
15 that the prisoner has been informed of his or her rights with
16 respect to the testing required to be offered under this
17 subsection (d) and providing the prisoner with an opportunity
18 to indicate either that he or she wants to be tested or that he
19 or she does not want to be tested. The sheriff of the county,
20 in consultation with the Department of Public Health, shall
21 prescribe the contents of the form. The testing provided under
22 this subsection (d) shall consist of an enzyme-linked
23 immunosorbent assay (ELISA) test or any other test approved by
24 the Department of Public Health. If the test result is
25 positive, the Western Blot Assay or more reliable confirmatory
26 test shall be administered.

27 Prior to a prisoner's release, the warden of the jail must
28 also inform the prisoner of the county's obligation to provide
29 the prisoner with medical care at no charge. Prior to the
30 release of a prisoner who the warden knows has tested positive
31 for infection with HIV or any other identified causative agent
32 of AIDS, the warden in a timely manner shall provide the
33 prisoner with transitional case management, including
34 referrals to other support services, within a linked network of
35 services.

1 Section 99. Effective date. This Act takes effect January
2 1, 2006.