

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 State agency operating the facility.

28 "State agency" means (i) any department of State government
29 created under Section 5-15 of the Departments of State
30 Government Law of the Civil Administrative Code of Illinois or

1 (ii) the Office of the Secretary of State.

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

4 (c) A State agency that operates a facility that (i) is
5 accessible to the public, (ii) is a high-traffic facility, and
6 (iii) serves a high-risk community must provide the following
7 in each such facility where space and security reasonably
8 permit: space for free HIV counseling and antibody testing to a
9 community-based organization licensed to do testing, in
10 accordance with the AIDS Confidentiality Act and rules adopted
11 by the Department of Public Health. The State agency or its
12 employees shall not conduct any counseling or testing required
13 to be provided under this subsection, but the agency shall make
14 appropriate arrangements with one or more certified
15 community-based organizations to conduct the counseling or
16 testing. The testing required to be provided under this
17 subsection is the rapid testing authorized under Section 5.5 of
18 the AIDS Confidentiality Act.

19 (d) Neither the State of Illinois nor any State agency
20 supplying space for services authorized by this Section shall
21 be liable for damages based on the provision of such space or
22 claimed to result from any services performed in such space,
23 except that this immunity does not apply in the case of willful
24 and wanton misconduct.

25 Section 20. Study. The Illinois HIV/AIDS Policy and
26 Research Institute at Chicago State University shall conduct a
27 study to determine whether there is a correlation between
28 incarceration and HIV infection.

29 Section 25. HIV/AIDS Response Review Panel.

30 (a) The HIV/AIDS Response Review Panel is established
31 within the Office of the Governor. The Panel shall consist of
32 the following members:

33 (1) One member appointed by the Governor. This member
34 shall serve as the Chair of the Panel.

1 (2) One representative of each of the following,
2 appointed by the head of the department: the Department of
3 Corrections; the Department of Human Services; and the
4 Department of Public Health.

5 (3) Two ex-offenders who are familiar with the issue of
6 HIV/AIDS as it relates to incarceration, appointed by
7 Governor. One of these members must be from Cook County,
8 and the other must be from a county other than Cook. Both
9 of these members must have received a final discharge from
10 the Department of Corrections.

11 (4) Three representatives of HIV/AIDS organizations
12 that have been in business for at least 2 years, appointed
13 by Governor. In the case of such an organization that
14 represents a constituency the majority of whom are
15 African-American, the organization's representative who is
16 a member of the Panel must be African-American.

17 (b) The Panel shall review the implementation of this Act
18 within the Department of Corrections and shall file a report
19 with the General Assembly and with the Governor every January 1
20 stating the results of its review.

21 Section 30. Rules.

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

29 (b) The Department of Human Services, the Department of
30 Public Health, and the Department of Corrections shall adopt
31 rules as necessary to ensure that this Act is implemented
32 within 6 months after the effective date of this Act.

33 Section 35. Implementation subject to appropriation.
34 Implementation of this Act is subject to appropriation.

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

4 (20 ILCS 2310/2310-321 new)

5 Sec. 2310-321. Information for persons committed to the
6 Department of Corrections and persons confined in a county
7 jail. On the Department's official Web site, the Department
8 shall provide Web-friendly and printer-friendly versions of
9 educational materials targeted to persons presently or
10 previously committed to the Department of Corrections or
11 confined in a county jail, as well as family members and
12 friends of such persons. The information shall include
13 information concerning testing, counseling, and case
14 management, including referrals and support services, in
15 connection with human immunodeficiency virus (HIV) or any other
16 identified causative agent of acquired immunodeficiency
17 syndrome (AIDS). Implementation of this Section is subject to
18 appropriation.

19 Section 92. The Illinois Public Aid Code is amended by
20 changing Sections 5-2 and 9A-4 and by adding Section 5-5.04 as
21 follows:

22 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

28 1. Recipients of basic maintenance grants under Articles
29 III and IV.

30 2. Persons otherwise eligible for basic maintenance under
31 Articles III and IV but who fail to qualify thereunder on the
32 basis of need, and who have insufficient income and resources

1 to meet the costs of necessary medical care, including but not
2 limited to the following:

3 (a) All persons otherwise eligible for basic
4 maintenance under Article III but who fail to qualify under
5 that Article on the basis of need and who meet either of
6 the following requirements:

7 (i) their income, as determined by the Illinois
8 Department in accordance with any federal
9 requirements, is equal to or less than 70% in fiscal
10 year 2001, equal to or less than 85% in fiscal year
11 2002 and until a date to be determined by the
12 Department by rule, and equal to or less than 100%
13 beginning on the date determined by the Department by
14 rule, of the nonfarm income official poverty line, as
15 defined by the federal Office of Management and Budget
16 and revised annually in accordance with Section 673(2)
17 of the Omnibus Budget Reconciliation Act of 1981,
18 applicable to families of the same size; or

19 (ii) their income, after the deduction of costs
20 incurred for medical care and for other types of
21 remedial care, is equal to or less than 70% in fiscal
22 year 2001, equal to or less than 85% in fiscal year
23 2002 and until a date to be determined by the
24 Department by rule, and equal to or less than 100%
25 beginning on the date determined by the Department by
26 rule, of the nonfarm income official poverty line, as
27 defined in item (i) of this subparagraph (a).

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

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

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

1 5. (a) Women during pregnancy, after the fact of pregnancy
2 has been determined by medical diagnosis, and during the
3 60-day period beginning on the last day of the pregnancy,
4 together with their infants and children born after
5 September 30, 1983, whose income and resources are
6 insufficient to meet the costs of necessary medical care to
7 the maximum extent possible under Title XIX of the Federal
8 Social Security Act.

9 (b) The Illinois Department and the Governor shall
10 provide a plan for coverage of the persons eligible under
11 paragraph 5(a) by April 1, 1990. Such plan shall provide
12 ambulatory prenatal care to pregnant women during a
13 presumptive eligibility period and establish an income
14 eligibility standard that is equal to 133% of the nonfarm
15 income official poverty line, as defined by the federal
16 Office of Management and Budget and revised annually in
17 accordance with Section 673(2) of the Omnibus Budget
18 Reconciliation Act of 1981, applicable to families of the
19 same size, provided that costs incurred for medical care
20 are not taken into account in determining such income
21 eligibility.

22 (c) The Illinois Department may conduct a
23 demonstration in at least one county that will provide
24 medical assistance to pregnant women, together with their
25 infants and children up to one year of age, where the
26 income eligibility standard is set up to 185% of the
27 nonfarm income official poverty line, as defined by the
28 federal Office of Management and Budget. The Illinois
29 Department shall seek and obtain necessary authorization
30 provided under federal law to implement such a
31 demonstration. Such demonstration may establish resource
32 standards that are not more restrictive than those
33 established under Article IV of this Code.

34 6. Persons under the age of 18 who fail to qualify as
35 dependent under Article IV and who have insufficient income and
36 resources to meet the costs of necessary medical care to the

1 maximum extent permitted under Title XIX of the Federal Social
2 Security Act.

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

8 (a) the person requires a level of care provided by a
9 hospital, skilled nursing facility, or intermediate care
10 facility, as determined by a physician licensed to practice
11 medicine in all its branches;

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

15 (c) the estimated amount which would be expended for
16 care outside the institution is not greater than the
17 estimated amount which would be expended in an institution.

18 8. Persons who become ineligible for basic maintenance
19 assistance under Article IV of this Code in programs
20 administered by the Illinois Department due to employment
21 earnings and persons in assistance units comprised of adults
22 and children who become ineligible for basic maintenance
23 assistance under Article VI of this Code due to employment
24 earnings. The plan for coverage for this class of persons
25 shall:

26 (a) extend the medical assistance coverage for up to 12
27 months following termination of basic maintenance
28 assistance; and

29 (b) offer persons who have initially received 6 months
30 of the coverage provided in paragraph (a) above, the option
31 of receiving an additional 6 months of coverage, subject to
32 the following:

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

35 (ii) such coverage shall include all services
36 covered while the person was eligible for basic

1 maintenance assistance;

2 (iii) no premium shall be charged for such
3 coverage; and

4 (iv) such coverage shall be suspended in the event
5 of a person's failure without good cause to file in a
6 timely fashion reports required for this coverage
7 under the Social Security Act and coverage shall be
8 reinstated upon the filing of such reports if the
9 person remains otherwise eligible.

10 9. Persons with acquired immunodeficiency syndrome (AIDS)
11 or with AIDS-related conditions with respect to whom there has
12 been a determination that but for home or community-based
13 services such individuals would require the level of care
14 provided in an inpatient hospital, skilled nursing facility or
15 intermediate care facility the cost of which is reimbursed
16 under this Article. Assistance shall be provided to such
17 persons to the maximum extent permitted under Title XIX of the
18 Federal Social Security Act.

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

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

27 12. Subject to federal approval, persons who are eligible
28 for medical assistance coverage under applicable provisions of
29 the federal Social Security Act and the federal Breast and
30 Cervical Cancer Prevention and Treatment Act of 2000. Those
31 eligible persons are defined to include, but not be limited to,
32 the following persons:

33 (1) persons who have been screened for breast or
34 cervical cancer under the U.S. Centers for Disease Control
35 and Prevention Breast and Cervical Cancer Program
36 established under Title XV of the federal Public Health

1 Services Act in accordance with the requirements of Section
2 1504 of that Act as administered by the Illinois Department
3 of Public Health; and

4 (2) persons whose screenings under the above program
5 were funded in whole or in part by funds appropriated to
6 the Illinois Department of Public Health for breast or
7 cervical cancer screening.

8 "Medical assistance" under this paragraph 12 shall be identical
9 to the benefits provided under the State's approved plan under
10 Title XIX of the Social Security Act. The Department must
11 request federal approval of the coverage under this paragraph
12 12 within 30 days after the effective date of this amendatory
13 Act of the 92nd General Assembly.

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

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

21 The eligibility of any such person for medical assistance
22 under this Article is not affected by the payment of any grant
23 under the Senior Citizens and Disabled Persons Property Tax
24 Relief and Pharmaceutical Assistance Act or any distributions
25 or items of income described under subparagraph (X) of
26 paragraph (2) of subsection (a) of Section 203 of the Illinois
27 Income Tax Act. The Department shall by rule establish the
28 amounts of assets to be disregarded in determining eligibility
29 for medical assistance, which shall at a minimum equal the
30 amounts to be disregarded under the Federal Supplemental
31 Security Income Program. The amount of assets of a single
32 person to be disregarded shall not be less than \$2,000, and the
33 amount of assets of a married couple to be disregarded shall
34 not be less than \$3,000.

35 To the extent permitted under federal law, any person found
36 guilty of a second violation of Article VIIIA shall be

1 ineligible for medical assistance under this Article, as
2 provided in Section 8A-8.

3 The eligibility of any person for medical assistance under
4 this Article shall not be affected by the receipt by the person
5 of donations or benefits from fundraisers held for the person
6 in cases of serious illness, as long as neither the person nor
7 members of the person's family have actual control over the
8 donations or benefits or the disbursement of the donations or
9 benefits.

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

12 (305 ILCS 5/5-5.04 new)

13 Sec. 5-5.04. Persons living with HIV/AIDS. The Department
14 of Public Aid may seek federal approval to expand access to
15 health care for persons living with HIV/AIDS. Implementation of
16 this Section is subject to appropriation.

17 (305 ILCS 5/9A-4) (from Ch. 23, par. 9A-4)

18 Sec. 9A-4. Participation.

19 (a) Except for those exempted under subsection (b) below,
20 and to the extent resources permit, the Illinois Department as
21 a condition of eligibility for public aid, may, as provided by
22 rule, require all recipients to participate in an education,
23 training, and employment program, which shall include
24 accepting suitable employment and refraining from terminating
25 employment or reducing earnings without good cause.

26 (b) Recipients shall be exempt from the requirement of
27 participation in the education, training, and employment
28 program in the following circumstances:

29 (1) The recipient is a person over age 60; or

30 (2) The recipient is a person with a child under age
31 one.

32 Recipients are entitled to request a reasonable
33 modification to the requirement of participation in the
34 education, training and employment program in order to

1 accommodate a qualified individual with a disability as defined
2 by the Americans with Disabilities Act. Requests for a
3 reasonable modification shall be evaluated on a case-by-case
4 functional basis by designated staff based on Department rule.
5 All such requests shall be monitored as part of the agency's
6 quality assurance process or processes to attest to the
7 expediency with which such requests are addressed.
8 Implementation of the changes made to this Section by this
9 amendatory Act of the 94th General Assembly is subject to
10 appropriation.

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

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

15 (730 ILCS 5/3-2-11 new)

16 Sec. 3-2-11. Web link to Department of Public Health
17 information. On the Department's official Web site, the
18 Department shall provide a link to the information provided to
19 persons committed to the Department and those persons' family
20 members and friends by the Department of Public Health pursuant
21 to Section 2310-321 of the Department of Public Health Powers
22 and Duties Law of the Civil Administrative Code of Illinois.
23 Implementation of this Section is subject to appropriation.

24 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

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

26 (a) Each institution and facility of the Department shall
27 be administered by a chief administrative officer appointed by
28 the Director. A chief administrative officer shall be
29 responsible for all persons assigned to the institution or
30 facility. The chief administrative officer shall administer
31 the programs of the Department for the custody and treatment of
32 such persons.

33 (b) The chief administrative officer shall have such

1 assistants as the Department may assign.

2 (c) The Director or Assistant Director shall have the
3 emergency powers to temporarily transfer individuals without
4 formal procedures to any State, county, municipal or regional
5 correctional or detention institution or facility in the State,
6 subject to the acceptance of such receiving institution or
7 facility, or to designate any reasonably secure place in the
8 State as such an institution or facility and to make transfers
9 thereto. However, transfers made under emergency powers shall
10 be reviewed as soon as practicable under Article 8, and shall
11 be subject to Section 5-905 of the Juvenile Court Act of 1987.
12 This Section shall not apply to transfers to the Department of
13 Human Services which are provided for under Section 3-8-5 or
14 Section 3-10-5.

15 (d) The Department shall provide educational programs for
16 all committed persons so that all persons have an opportunity
17 to attain the achievement level equivalent to the completion of
18 the twelfth grade in the public school system in this State.
19 Other higher levels of attainment shall be encouraged and
20 professional instruction shall be maintained wherever
21 possible. The Department may establish programs of mandatory
22 education and may establish rules and regulations for the
23 administration of such programs. A person committed to the
24 Department who, during the period of his or her incarceration,
25 participates in an educational program provided by or through
26 the Department and through that program is awarded or earns the
27 number of hours of credit required for the award of an
28 associate, baccalaureate, or higher degree from a community
29 college, college, or university located in Illinois shall
30 reimburse the State, through the Department, for the costs
31 incurred by the State in providing that person during his or
32 her incarceration with the education that qualifies him or her
33 for the award of that degree. The costs for which reimbursement
34 is required under this subsection shall be determined and
35 computed by the Department under rules and regulations that it
36 shall establish for that purpose. However, interest at the rate

1 of 6% per annum shall be charged on the balance of those costs
2 from time to time remaining unpaid, from the date of the
3 person's parole, mandatory supervised release, or release
4 constituting a final termination of his or her commitment to
5 the Department until paid.

6 (d-5) A person committed to the Department is entitled to
7 confidential testing for infection with human immunodeficiency
8 virus (HIV) and to counseling in connection with such testing,
9 all with no copay to the committed person. A committed person
10 who has tested positive for infection with HIV or any other
11 identified causative agent of AIDS is entitled to medical care,
12 counseling, and referrals to support services, in connection
13 with that positive test result. Implementation of this
14 subsection (d-5) is subject to appropriation.

15 (e) A person committed to the Department who becomes in
16 need of medical or surgical treatment but is incapable of
17 giving consent thereto shall receive such medical or surgical
18 treatment by the chief administrative officer consenting on the
19 person's behalf. Before the chief administrative officer
20 consents, he or she shall obtain the advice of one or more
21 physicians licensed to practice medicine in all its branches in
22 this State. If such physician or physicians advise:

23 (1) that immediate medical or surgical treatment is
24 required relative to a condition threatening to cause
25 death, damage or impairment to bodily functions, or
26 disfigurement; and

27 (2) that the person is not capable of giving consent to
28 such treatment; the chief administrative officer may give
29 consent for such medical or surgical treatment, and such
30 consent shall be deemed to be the consent of the person for
31 all purposes, including, but not limited to, the authority
32 of a physician to give such treatment.

33 (e-5) If a physician providing medical care to a committed
34 person on behalf of the Department advises the chief
35 administrative officer that the committed person's mental or
36 physical health has deteriorated as a result of the cessation

1 of ingestion of food or liquid to the point where medical or
2 surgical treatment is required to prevent death, damage, or
3 impairment to bodily functions, the chief administrative
4 officer may authorize such medical or surgical treatment.

5 (f) In the event that the person requires medical care and
6 treatment at a place other than the institution or facility,
7 the person may be removed therefrom under conditions prescribed
8 by the Department. The Department shall require the committed
9 person receiving medical or dental services on a non-emergency
10 basis to pay a \$2 co-payment to the Department for each visit
11 for medical or dental services. The amount of each co-payment
12 shall be deducted from the committed person's individual
13 account. A committed person who has a chronic illness, as
14 defined by Department rules and regulations, shall be exempt
15 from the \$2 co-payment for treatment of the chronic illness. A
16 committed person shall not be subject to a \$2 co-payment for
17 follow-up visits ordered by a physician, who is employed by, or
18 contracts with, the Department. A committed person who is
19 indigent is exempt from the \$2 co-payment and is entitled to
20 receive medical or dental services on the same basis as a
21 committed person who is financially able to afford the
22 co-payment. Notwithstanding any other provision in this
23 subsection (f) to the contrary, any person committed to any
24 facility operated by the Juvenile Division, as set forth in
25 subsection (b) of Section 3-2-5 of this Code, is exempt from
26 the co-payment requirement for the duration of confinement in
27 those facilities.

28 (g) Any person having sole custody of a child at the time
29 of commitment or any woman giving birth to a child after her
30 commitment, may arrange through the Department of Children and
31 Family Services for suitable placement of the child outside of
32 the Department of Corrections. The Director of the Department
33 of Corrections may determine that there are special reasons why
34 the child should continue in the custody of the mother until
35 the child is 6 years old.

36 (h) The Department may provide Family Responsibility

1 Services which may consist of, but not be limited to the
2 following:

- 3 (1) family advocacy counseling;
- 4 (2) parent self-help group;
- 5 (3) parenting skills training;
- 6 (4) parent and child overnight program;
- 7 (5) parent and child reunification counseling, either
8 separately or together, preceding the inmate's release;
9 and
- 10 (6) a prerelease reunification staffing involving the
11 family advocate, the inmate and the child's counselor, or
12 both and the inmate.

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

32 (j) Any person convicted of a sex offense as defined in the
33 Sex Offender Management Board Act shall be required to receive
34 a sex offender evaluation prior to release into the community
35 from the Department of Corrections. The sex offender evaluation
36 shall be conducted in conformance with the standards and

1 guidelines developed under the Sex Offender Management Board
2 Act and by an evaluator approved by the Board.

3 (k) Any minor committed to the Department of
4 Corrections-Juvenile Division for a sex offense as defined by
5 the Sex Offender Management Board Act shall be required to
6 undergo sex offender treatment by a treatment provider approved
7 by the Board and conducted in conformance with the Sex Offender
8 Management Board Act.

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

26 Prior to the release of an inmate who the Department knows
27 has tested positive for infection with HIV, the Department in a
28 timely manner shall offer the inmate transitional case
29 management, including referrals to other support services.

30 Implementation of this subsection (l) is subject to
31 appropriation.

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

34 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)
35 Sec. 3-7-2. Facilities.

1 (a) All institutions and facilities of the Department shall
2 provide every committed person with access to toilet
3 facilities, barber facilities, bathing facilities at least
4 once each week, a library of legal materials and published
5 materials including newspapers and magazines approved by the
6 Director. A committed person may not receive any materials that
7 the Director deems pornographic.

8 (b) (Blank).

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

14 (d) All institutions and facilities of the Department shall
15 provide every committed person with a wholesome and nutritional
16 diet at regularly scheduled hours, drinking water, clothing
17 adequate for the season, bedding, soap and towels and medical
18 and dental care.

19 (e) All institutions and facilities of the Department shall
20 permit every committed person to send and receive an unlimited
21 number of uncensored letters, provided, however, that the
22 Director may order that mail be inspected and read for reasons
23 of the security, safety or morale of the institution or
24 facility.

25 (f) All of the institutions and facilities of the
26 Department shall permit every committed person to receive
27 visitors, except in case of abuse of the visiting privilege or
28 when the chief administrative officer determines that such
29 visiting would be harmful or dangerous to the security, safety
30 or morale of the institution or facility. The chief
31 administrative officer shall have the right to restrict
32 visitation to non-contact visits for reasons of safety,
33 security, and order, including, but not limited to, restricting
34 contact visits for committed persons engaged in gang activity.
35 No committed person in a super maximum security facility or on
36 disciplinary segregation is allowed contact visits. Any

1 committed person found in possession of illegal drugs or who
2 fails a drug test shall not be permitted contact visits for a
3 period of at least 6 months. Any committed person involved in
4 gang activities or found guilty of assault committed against a
5 Department employee shall not be permitted contact visits for a
6 period of at least 6 months. The Department shall offer every
7 visitor appropriate written information concerning HIV and
8 AIDS, including information concerning persons or entities to
9 contact for local counseling. The Department shall develop the
10 written materials in consultation with the Department of Public
11 Health. The Department shall ensure that all such information
12 and materials are culturally sensitive and reflect cultural
13 diversity as appropriate. Implementation of the changes made to
14 this Section by this amendatory Act of the 94th General
15 Assembly is subject to appropriation.

16 (g) All institutions and facilities of the Department shall
17 permit religious ministrations and sacraments to be available
18 to every committed person, but attendance at religious services
19 shall not be required.

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

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

25 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

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

1 (b) A record of the social evaluation shall be entered in
2 the committed person's master record file and shall be
3 forwarded to the institution or facility to which the person is
4 assigned.

5 (c) Upon admission to a correctional institution each
6 committed person shall be given a physical examination. If he
7 is suspected of having a communicable disease that in the
8 judgment of the Department medical personnel requires medical
9 isolation, the committed person shall remain in medical
10 isolation until it is no longer deemed medically necessary.

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

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

34 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

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

1 Juvenile Division.

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

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

30 Also upon admission of a person committed to the Juvenile
31 Division, the Department must inform the person of the
32 Department's obligation to provide the person with medical
33 care.

34 Implementation of this subsection (a-5) is subject to
35 appropriation.

36 (b) Based on its examination, the Department may exercise

1 the following powers in developing a treatment program of any
2 person committed to the Juvenile Division:

3 (1) Require participation by him in vocational,
4 physical, educational and corrective training and
5 activities to return him to the community.

6 (2) Place him in any institution or facility of the
7 Juvenile Division.

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

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

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

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

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

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

31 Section 95. The County Jail Act is amended by adding
32 Section 17.10 as follows:

33 (730 ILCS 125/17.10 new)

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

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

22 Also upon a prisoner's confinement in jail the warden must
23 inform the prisoner of the county's obligation to provide the
24 prisoner with medical care.

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

35 (c) The warden of the jail must offer every visitor to the
36 jail appropriate written information concerning HIV and AIDS,

1 including information concerning persons or entities to
2 contact for local counseling. The sheriff of the county shall
3 obtain the written materials from the Department of Public
4 Health.

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

22 Prior to the release of a prisoner who the warden knows has
23 tested positive for infection with HIV or any other identified
24 causative agent of AIDS, the warden in a timely manner shall
25 provide the prisoner with transitional case management,
26 including referrals to other support services provided by the
27 Department of Public Health.

28 (e) Implementation of this Section is subject to
29 appropriation.

30 Section 99. Effective date. This Act takes effect January
31 1, 2006.