



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5822

Introduced 2/16/2012, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
730 ILCS 5/3-6-2	from Ch. 38, par. 1003-6-2
730 ILCS 5/3-6-2.1 new	

Amends the Code of Corrections. Creates the Correctional Facility Nominating Committee to nominate candidates to be appointed by the Director of Corrections to serve as the chief administrative officer of a correctional institution or facility. Sets forth the process for organizing the Committee, as well as the procedures to be used by the Committee. Requires the Department to publish annually the qualifications and duties of each position responsible for the custody and care of inmates, together with all supervisory positions over them, including chief administrative officers.

LRB097 20470 JWD 65996 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-2-2 and 3-6-2 and by adding Section 3-6-2.1
6 as follows:

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

8 Sec. 3-2-2. Powers and Duties of the Department.

9 (1) In addition to the powers, duties and responsibilities
10 which are otherwise provided by law, the Department shall have
11 the following powers:

12 (a) To accept persons committed to it by the courts of
13 this State for care, custody, treatment and
14 rehabilitation, and to accept federal prisoners and aliens
15 over whom the Office of the Federal Detention Trustee is
16 authorized to exercise the federal detention function for
17 limited purposes and periods of time.

18 (b) To develop and maintain reception and evaluation
19 units for purposes of analyzing the custody and
20 rehabilitation needs of persons committed to it and to
21 assign such persons to institutions and programs under its
22 control or transfer them to other appropriate agencies. In
23 consultation with the Department of Alcoholism and

1 Substance Abuse (now the Department of Human Services), the
2 Department of Corrections shall develop a master plan for
3 the screening and evaluation of persons committed to its
4 custody who have alcohol or drug abuse problems, and for
5 making appropriate treatment available to such persons;
6 the Department shall report to the General Assembly on such
7 plan not later than April 1, 1987. The maintenance and
8 implementation of such plan shall be contingent upon the
9 availability of funds.

10 (b-1) To create and implement, on January 1, 2002, a
11 pilot program to establish the effectiveness of
12 pupillometer technology (the measurement of the pupil's
13 reaction to light) as an alternative to a urine test for
14 purposes of screening and evaluating persons committed to
15 its custody who have alcohol or drug problems. The pilot
16 program shall require the pupillometer technology to be
17 used in at least one Department of Corrections facility.
18 The Director may expand the pilot program to include an
19 additional facility or facilities as he or she deems
20 appropriate. A minimum of 4,000 tests shall be included in
21 the pilot program. The Department must report to the
22 General Assembly on the effectiveness of the program by
23 January 1, 2003.

24 (b-5) To develop, in consultation with the Department
25 of State Police, a program for tracking and evaluating each
26 inmate from commitment through release for recording his or

1 her gang affiliations, activities, or ranks.

2 (c) To maintain and administer all State correctional
3 institutions and facilities under its control and to
4 establish new ones as needed. Pursuant to its power to
5 establish new institutions and facilities, the Department
6 may, with the written approval of the Governor, authorize
7 the Department of Central Management Services to enter into
8 an agreement of the type described in subsection (d) of
9 Section 405-300 of the Department of Central Management
10 Services Law (20 ILCS 405/405-300). The Department shall
11 designate those institutions which shall constitute the
12 State Penitentiary System.

13 Pursuant to its power to establish new institutions and
14 facilities, the Department may authorize the Department of
15 Central Management Services to accept bids from counties
16 and municipalities for the construction, remodeling or
17 conversion of a structure to be leased to the Department of
18 Corrections for the purposes of its serving as a
19 correctional institution or facility. Such construction,
20 remodeling or conversion may be financed with revenue bonds
21 issued pursuant to the Industrial Building Revenue Bond Act
22 by the municipality or county. The lease specified in a bid
23 shall be for a term of not less than the time needed to
24 retire any revenue bonds used to finance the project, but
25 not to exceed 40 years. The lease may grant to the State
26 the option to purchase the structure outright.

1 Upon receipt of the bids, the Department may certify
2 one or more of the bids and shall submit any such bids to
3 the General Assembly for approval. Upon approval of a bid
4 by a constitutional majority of both houses of the General
5 Assembly, pursuant to joint resolution, the Department of
6 Central Management Services may enter into an agreement
7 with the county or municipality pursuant to such bid.

8 (c-5) To build and maintain regional juvenile
9 detention centers and to charge a per diem to the counties
10 as established by the Department to defray the costs of
11 housing each minor in a center. In this subsection (c-5),
12 "juvenile detention center" means a facility to house
13 minors during pendency of trial who have been transferred
14 from proceedings under the Juvenile Court Act of 1987 to
15 prosecutions under the criminal laws of this State in
16 accordance with Section 5-805 of the Juvenile Court Act of
17 1987, whether the transfer was by operation of law or
18 permissive under that Section. The Department shall
19 designate the counties to be served by each regional
20 juvenile detention center.

21 (d) To develop and maintain programs of control,
22 rehabilitation and employment of committed persons within
23 its institutions.

24 (d-5) To provide a pre-release job preparation program
25 for inmates at Illinois adult correctional centers.

26 (e) To establish a system of supervision and guidance

1 of committed persons in the community.

2 (f) To establish in cooperation with the Department of
3 Transportation to supply a sufficient number of prisoners
4 for use by the Department of Transportation to clean up the
5 trash and garbage along State, county, township, or
6 municipal highways as designated by the Department of
7 Transportation. The Department of Corrections, at the
8 request of the Department of Transportation, shall furnish
9 such prisoners at least annually for a period to be agreed
10 upon between the Director of Corrections and the Director
11 of Transportation. The prisoners used on this program shall
12 be selected by the Director of Corrections on whatever
13 basis he deems proper in consideration of their term,
14 behavior and earned eligibility to participate in such
15 program - where they will be outside of the prison facility
16 but still in the custody of the Department of Corrections.
17 Prisoners convicted of first degree murder, or a Class X
18 felony, or armed violence, or aggravated kidnapping, or
19 criminal sexual assault, aggravated criminal sexual abuse
20 or a subsequent conviction for criminal sexual abuse, or
21 forcible detention, or arson, or a prisoner adjudged a
22 Habitual Criminal shall not be eligible for selection to
23 participate in such program. The prisoners shall remain as
24 prisoners in the custody of the Department of Corrections
25 and such Department shall furnish whatever security is
26 necessary. The Department of Transportation shall furnish

1 trucks and equipment for the highway cleanup program and
2 personnel to supervise and direct the program. Neither the
3 Department of Corrections nor the Department of
4 Transportation shall replace any regular employee with a
5 prisoner.

6 (g) To maintain records of persons committed to it and
7 to establish programs of research, statistics and
8 planning.

9 (h) To investigate the grievances of any person
10 committed to the Department, to inquire into any alleged
11 misconduct by employees or committed persons, and to
12 investigate the assets of committed persons to implement
13 Section 3-7-6 of this Code; and for these purposes it may
14 issue subpoenas and compel the attendance of witnesses and
15 the production of writings and papers, and may examine
16 under oath any witnesses who may appear before it; to also
17 investigate alleged violations of a parolee's or
18 releasee's conditions of parole or release; and for this
19 purpose it may issue subpoenas and compel the attendance of
20 witnesses and the production of documents only if there is
21 reason to believe that such procedures would provide
22 evidence that such violations have occurred.

23 If any person fails to obey a subpoena issued under
24 this subsection, the Director may apply to any circuit
25 court to secure compliance with the subpoena. The failure
26 to comply with the order of the court issued in response

1 thereto shall be punishable as contempt of court.

2 (i) To appoint, as provided under Section 3-6-2.1 of
3 this Code, and remove the chief administrative officers,
4 and administer programs of training and development of
5 personnel of the Department. Personnel assigned by the
6 Department to be responsible for the custody and control of
7 committed persons or to investigate the alleged misconduct
8 of committed persons or employees or alleged violations of
9 a parolee's or releasee's conditions of parole shall be
10 conservators of the peace for those purposes, and shall
11 have the full power of peace officers outside of the
12 facilities of the Department in the protection, arrest,
13 retaking and reconfining of committed persons or where the
14 exercise of such power is necessary to the investigation of
15 such misconduct or violations.

16 (i-5) To publish annually descriptions of the
17 qualifications and duties of each position within the
18 Department in which personnel are responsible for the
19 custody and care of committed persons, together with
20 descriptions of the qualifications and duties of each
21 position exercising a supervisory role over such
22 personnel, up to and including chief administrative
23 officers. Copies of this publication shall be provided to
24 all employees of the Department, and shall also be provided
25 by the Department to any person upon request at no charge.
26 The Department shall publish these descriptions within one

1 year from the effective date of this amendatory Act of the
2 97th General Assembly, and every year thereafter, together
3 with any changes required to ensure the accuracy of the
4 descriptions.

5 (j) To cooperate with other departments and agencies
6 and with local communities for the development of standards
7 and programs for better correctional services in this
8 State.

9 (k) To administer all moneys and properties of the
10 Department.

11 (l) To report annually to the Governor on the committed
12 persons, institutions and programs of the Department.

13 (l-5) In a confidential annual report to the Governor,
14 the Department shall identify all inmate gangs by
15 specifying each current gang's name, population and allied
16 gangs. The Department shall further specify the number of
17 top leaders identified by the Department for each gang
18 during the past year, and the measures taken by the
19 Department to segregate each leader from his or her gang
20 and allied gangs. The Department shall further report the
21 current status of leaders identified and segregated in
22 previous years. All leaders described in the report shall
23 be identified by inmate number or other designation to
24 enable tracking, auditing, and verification without
25 revealing the names of the leaders. Because this report
26 contains law enforcement intelligence information

1 collected by the Department, the report is confidential and
2 not subject to public disclosure.

3 (m) To make all rules and regulations and exercise all
4 powers and duties vested by law in the Department.

5 (n) To establish rules and regulations for
6 administering a system of good conduct credits,
7 established in accordance with Section 3-6-3, subject to
8 review by the Prisoner Review Board.

9 (o) To administer the distribution of funds from the
10 State Treasury to reimburse counties where State penal
11 institutions are located for the payment of assistant
12 state's attorneys' salaries under Section 4-2001 of the
13 Counties Code.

14 (p) To exchange information with the Department of
15 Human Services and the Department of Healthcare and Family
16 Services for the purpose of verifying living arrangements
17 and for other purposes directly connected with the
18 administration of this Code and the Illinois Public Aid
19 Code.

20 (q) To establish a diversion program.

21 The program shall provide a structured environment for
22 selected technical parole or mandatory supervised release
23 violators and committed persons who have violated the rules
24 governing their conduct while in work release. This program
25 shall not apply to those persons who have committed a new
26 offense while serving on parole or mandatory supervised

1 release or while committed to work release.

2 Elements of the program shall include, but shall not be
3 limited to, the following:

4 (1) The staff of a diversion facility shall provide
5 supervision in accordance with required objectives set
6 by the facility.

7 (2) Participants shall be required to maintain
8 employment.

9 (3) Each participant shall pay for room and board
10 at the facility on a sliding-scale basis according to
11 the participant's income.

12 (4) Each participant shall:

13 (A) provide restitution to victims in
14 accordance with any court order;

15 (B) provide financial support to his
16 dependents; and

17 (C) make appropriate payments toward any other
18 court-ordered obligations.

19 (5) Each participant shall complete community
20 service in addition to employment.

21 (6) Participants shall take part in such
22 counseling, educational and other programs as the
23 Department may deem appropriate.

24 (7) Participants shall submit to drug and alcohol
25 screening.

26 (8) The Department shall promulgate rules

1 governing the administration of the program.

2 (r) To enter into intergovernmental cooperation
3 agreements under which persons in the custody of the
4 Department may participate in a county impact
5 incarceration program established under Section 3-6038 or
6 3-15003.5 of the Counties Code.

7 (r-5) (Blank).

8 (r-10) To systematically and routinely identify with
9 respect to each streetgang active within the correctional
10 system: (1) each active gang; (2) every existing inter-gang
11 affiliation or alliance; and (3) the current leaders in
12 each gang. The Department shall promptly segregate leaders
13 from inmates who belong to their gangs and allied gangs.
14 "Segregate" means no physical contact and, to the extent
15 possible under the conditions and space available at the
16 correctional facility, prohibition of visual and sound
17 communication. For the purposes of this paragraph (r-10),
18 "leaders" means persons who:

19 (i) are members of a criminal streetgang;

20 (ii) with respect to other individuals within the
21 streetgang, occupy a position of organizer,
22 supervisor, or other position of management or
23 leadership; and

24 (iii) are actively and personally engaged in
25 directing, ordering, authorizing, or requesting
26 commission of criminal acts by others, which are

1 punishable as a felony, in furtherance of streetgang
2 related activity both within and outside of the
3 Department of Corrections.

4 "Streetgang", "gang", and "streetgang related" have the
5 meanings ascribed to them in Section 10 of the Illinois
6 Streetgang Terrorism Omnibus Prevention Act.

7 (s) To operate a super-maximum security institution,
8 in order to manage and supervise inmates who are disruptive
9 or dangerous and provide for the safety and security of the
10 staff and the other inmates.

11 (t) To monitor any unprivileged conversation or any
12 unprivileged communication, whether in person or by mail,
13 telephone, or other means, between an inmate who, before
14 commitment to the Department, was a member of an organized
15 gang and any other person without the need to show cause or
16 satisfy any other requirement of law before beginning the
17 monitoring, except as constitutionally required. The
18 monitoring may be by video, voice, or other method of
19 recording or by any other means. As used in this
20 subdivision (1)(t), "organized gang" has the meaning
21 ascribed to it in Section 10 of the Illinois Streetgang
22 Terrorism Omnibus Prevention Act.

23 As used in this subdivision (1)(t), "unprivileged
24 conversation" or "unprivileged communication" means a
25 conversation or communication that is not protected by any
26 privilege recognized by law or by decision, rule, or order

1 of the Illinois Supreme Court.

2 (u) To establish a Women's and Children's Pre-release
3 Community Supervision Program for the purpose of providing
4 housing and services to eligible female inmates, as
5 determined by the Department, and their newborn and young
6 children.

7 (u-5) To issue an order, whenever a person committed to
8 the Department absconds or absents himself or herself,
9 without authority to do so, from any facility or program to
10 which he or she is assigned. The order shall be certified
11 by the Director, the Supervisor of the Apprehension Unit,
12 or any person duly designated by the Director, with the
13 seal of the Department affixed. The order shall be directed
14 to all sheriffs, coroners, and police officers, or to any
15 particular person named in the order. Any order issued
16 pursuant to this subdivision (1) (u-5) shall be sufficient
17 warrant for the officer or person named in the order to
18 arrest and deliver the committed person to the proper
19 correctional officials and shall be executed the same as
20 criminal process.

21 (v) To do all other acts necessary to carry out the
22 provisions of this Chapter.

23 (2) The Department of Corrections shall by January 1, 1998,
24 consider building and operating a correctional facility within
25 100 miles of a county of over 2,000,000 inhabitants, especially
26 a facility designed to house juvenile participants in the

1 impact incarceration program.

2 (3) When the Department lets bids for contracts for medical
3 services to be provided to persons committed to Department
4 facilities by a health maintenance organization, medical
5 service corporation, or other health care provider, the bid may
6 only be let to a health care provider that has obtained an
7 irrevocable letter of credit or performance bond issued by a
8 company whose bonds are rated AAA by a bond rating
9 organization.

10 (4) When the Department lets bids for contracts for food or
11 commissary services to be provided to Department facilities,
12 the bid may only be let to a food or commissary services
13 provider that has obtained an irrevocable letter of credit or
14 performance bond issued by a company whose bonds are rated AAA
15 by a bond rating organization.

16 (Source: P.A. 96-1265, eff. 7-26-10.)

17 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

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

19 (a) Each institution and facility of the Department shall
20 be administered by a chief administrative officer appointed by
21 the Director, as provided under Section 3-6-2.1 of this Code. A
22 chief administrative officer shall be responsible for all
23 persons assigned to the institution or facility. The chief
24 administrative officer shall administer the programs of the
25 Department for the custody and treatment of such persons.

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

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

16 (d) The Department shall provide educational programs for
17 all committed persons so that all persons have an opportunity
18 to attain the achievement level equivalent to the completion of
19 the twelfth grade in the public school system in this State.
20 Other higher levels of attainment shall be encouraged and
21 professional instruction shall be maintained wherever
22 possible. The Department may establish programs of mandatory
23 education and may establish rules and regulations for the
24 administration of such programs. A person committed to the
25 Department who, during the period of his or her incarceration,
26 participates in an educational program provided by or through

1 the Department and through that program is awarded or earns the
2 number of hours of credit required for the award of an
3 associate, baccalaureate, or higher degree from a community
4 college, college, or university located in Illinois shall
5 reimburse the State, through the Department, for the costs
6 incurred by the State in providing that person during his or
7 her incarceration with the education that qualifies him or her
8 for the award of that degree. The costs for which reimbursement
9 is required under this subsection shall be determined and
10 computed by the Department under rules and regulations that it
11 shall establish for that purpose. However, interest at the rate
12 of 6% per annum shall be charged on the balance of those costs
13 from time to time remaining unpaid, from the date of the
14 person's parole, mandatory supervised release, or release
15 constituting a final termination of his or her commitment to
16 the Department until paid.

17 (d-5) A person committed to the Department is entitled to
18 confidential testing for infection with human immunodeficiency
19 virus (HIV) and to counseling in connection with such testing,
20 with no copay to the committed person. A person committed to
21 the Department who has tested positive for infection with HIV
22 is entitled to medical care while incarcerated, counseling, and
23 referrals to support services, in connection with that positive
24 test result. Implementation of this subsection (d-5) is subject
25 to appropriation.

26 (e) A person committed to the Department who becomes in

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

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

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

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

26 (f) In the event that the person requires medical care and

1 treatment at a place other than the institution or facility,
2 the person may be removed therefrom under conditions prescribed
3 by the Department. The Department shall require the committed
4 person receiving medical or dental services on a non-emergency
5 basis to pay a \$5 co-payment to the Department for each visit
6 for medical or dental services. The amount of each co-payment
7 shall be deducted from the committed person's individual
8 account. A committed person who has a chronic illness, as
9 defined by Department rules and regulations, shall be exempt
10 from the \$5 co-payment for treatment of the chronic illness. A
11 committed person shall not be subject to a \$5 co-payment for
12 follow-up visits ordered by a physician, who is employed by, or
13 contracts with, the Department. A committed person who is
14 indigent is exempt from the \$5 co-payment and is entitled to
15 receive medical or dental services on the same basis as a
16 committed person who is financially able to afford the
17 co-payment. For purposes of this Section only, "indigent" means
18 a committed person who has \$20 or less in his or her Inmate
19 Trust Fund at the time of such services or for the 30 days
20 prior to such services. Notwithstanding any other provision in
21 this subsection (f) to the contrary, any person committed to
22 any facility operated by the Department of Juvenile Justice, as
23 set forth in Section 3-2.5-15 of this Code, is exempt from the
24 co-payment requirement for the duration of confinement in those
25 facilities.

26 (g) Any person having sole custody of a child at the time

1 of commitment or any woman giving birth to a child after her
2 commitment, may arrange through the Department of Children and
3 Family Services for suitable placement of the child outside of
4 the Department of Corrections. The Director of the Department
5 of Corrections may determine that there are special reasons why
6 the child should continue in the custody of the mother until
7 the child is 6 years old.

8 (h) The Department may provide Family Responsibility
9 Services which may consist of, but not be limited to the
10 following:

11 (1) family advocacy counseling;

12 (2) parent self-help group;

13 (3) parenting skills training;

14 (4) parent and child overnight program;

15 (5) parent and child reunification counseling, either
16 separately or together, preceding the inmate's release;
17 and

18 (6) a prerelease reunification staffing involving the
19 family advocate, the inmate and the child's counselor, or
20 both and the inmate.

21 (i) (Blank). ~~a test approved by the Illinois Department of~~
22 ~~Public Health to determine the presence of HIV infection, based~~
23 ~~upon recommendations of United States Centers for Disease~~
24 ~~Control and Prevention a reliable supplemental based upon~~
25 ~~recommendations of the United States Centers for Disease~~
26 ~~Control and Prevention information~~

1 (j) Any person convicted of a sex offense as defined in the
2 Sex Offender Management Board Act shall be required to receive
3 a sex offender evaluation prior to release into the community
4 from the Department of Corrections. The sex offender evaluation
5 shall be conducted in conformance with the standards and
6 guidelines developed under the Sex Offender Management Board
7 Act and by an evaluator approved by the Board.

8 (k) Any minor committed to the Department of Juvenile
9 Justice for a sex offense as defined by the Sex Offender
10 Management Board Act shall be required to undergo sex offender
11 treatment by a treatment provider approved by the Board and
12 conducted in conformance with the Sex Offender Management Board
13 Act.

14 (l) Prior to the release of any inmate committed to a
15 facility of the Department or the Department of Juvenile
16 Justice, the Department must provide the inmate with
17 appropriate information verbally, in writing, by video, or
18 other electronic means, concerning HIV and AIDS. The Department
19 shall develop the informational materials in consultation with
20 the Department of Public Health. At the same time, the
21 Department must also offer the committed person the option of
22 testing for infection with human immunodeficiency virus (HIV),
23 with no copayment for the test. Pre-test information shall be
24 provided to the committed person and informed consent obtained
25 as required in subsection (d) of Section 3 and Section 5 of the
26 AIDS Confidentiality Act. The Department may conduct opt-out

1 HIV testing as defined in Section 4 of the AIDS Confidentiality
2 Act. If the Department conducts opt-out HIV testing, the
3 Department shall place signs in English, Spanish and other
4 languages as needed in multiple, highly visible locations in
5 the area where HIV testing is conducted informing inmates that
6 they will be tested for HIV unless they refuse, and refusal or
7 acceptance of testing shall be documented in the inmate's
8 medical record. The Department shall follow procedures
9 established by the Department of Public Health to conduct HIV
10 testing and testing to confirm positive HIV test results. All
11 testing must be conducted by medical personnel, but pre-test
12 and other information may be provided by committed persons who
13 have received appropriate training. The Department, in
14 conjunction with the Department of Public Health, shall develop
15 a plan that complies with the AIDS Confidentiality Act to
16 deliver confidentially all positive or negative HIV test
17 results to inmates or former inmates. Nothing in this Section
18 shall require the Department to offer HIV testing to an inmate
19 who is known to be infected with HIV, or who has been tested
20 for HIV within the previous 180 days and whose documented HIV
21 test result is available to the Department electronically. The
22 testing provided under this subsection (1) shall consist of a
23 test approved by the Illinois Department of Public Health to
24 determine the presence of HIV infection, based upon
25 recommendations of the United States Centers for Disease
26 Control and Prevention. If the test result is positive, a

1 reliable supplemental test based upon recommendations of the
2 United States Centers for Disease Control and Prevention shall
3 be administered.

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

8 (m) The chief administrative officer of each institution or
9 facility of the Department shall make a room in the institution
10 or facility available for addiction recovery services to be
11 provided to committed persons on a voluntary basis. The
12 services shall be provided for one hour once a week at a time
13 specified by the chief administrative officer of the
14 institution or facility if the following conditions are met:

15 (1) the addiction recovery service contacts the chief
16 administrative officer to arrange the meeting;

17 (2) the committed person may attend the meeting for
18 addiction recovery services only if the committed person
19 uses pre-existing free time already available to the
20 committed person;

21 (3) all disciplinary and other rules of the institution
22 or facility remain in effect;

23 (4) the committed person is not given any additional
24 privileges to attend addiction recovery services;

25 (5) if the addiction recovery service does not arrange
26 for scheduling a meeting for that week, no addiction

1 recovery services shall be provided to the committed person
2 in the institution or facility for that week;

3 (6) the number of committed persons who may attend an
4 addiction recovery meeting shall not exceed 40 during any
5 session held at the correctional institution or facility;

6 (7) a volunteer seeking to provide addiction recovery
7 services under this subsection (m) must submit an
8 application to the Department of Corrections under
9 existing Department rules and the Department must review
10 the application within 60 days after submission of the
11 application to the Department; and

12 (8) each institution and facility of the Department
13 shall manage the addiction recovery services program
14 according to its own processes and procedures.

15 For the purposes of this subsection (m), "addiction
16 recovery services" means recovery services for alcoholics and
17 addicts provided by volunteers of recovery support services
18 recognized by the Department of Human Services.

19 (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,
20 eff. 8-12-11; 97-562, eff. 1-1-12; revised 9-14-11.)

21 (730 ILCS 5/3-6-2.1 new)

22 Sec. 3-6-2.1. Appointment of chief administrative
23 officers.

24 (a) Definitions. For purposes of this Section:

25 "Chief administrative officer" means the chief

1 administrative officer of a correctional institution or
2 facility who is appointed by the Director under subsection (a)
3 of Section 3-6-2 of this Code.

4 "Correctional facility" or "facility" means the specific
5 correctional institution or facility operated by the
6 Department for which a chief administrative officer is to be
7 appointed by the Director.

8 "Correctional Facility Nominating Committee" or
9 "Committee" means the correctional facility nominating
10 committee organized under subsection (b) of this Section for
11 the purpose of providing nominees to the Director for
12 appointment to serve as the chief administrative officer of a
13 correctional facility.

14 "Director" means the Director of Corrections.

15 (b) Committee. The Correctional Facility Nominating
16 Committee shall be composed of the following members:

17 (1) The currently serving chief administrative officer
18 of the facility in question or, if there is no currently
19 serving chief administrative officer, then the most
20 recently serving former chief administrative officer of
21 the facility in question.

22 (2) Six current employees of the facility in question
23 who are elected by secret ballot by a majority of the
24 current employees of the facility in question. Of the
25 persons so elected, 2 shall be correctional officers below
26 the rank of sergeant; one shall be a correctional officer

1 with the rank of sergeant; one shall be a correctional
2 officer above the rank of sergeant; one shall be an
3 employee who is not a correctional officer and who is not
4 employed in a supervisory capacity; and one shall be an
5 employee who is not a correctional officer and who is
6 employed in a supervisory capacity.

7 (3) The Correctional Facility Nominating Committee
8 shall by majority vote of the members of the Committee
9 select 3 persons to be nominated to serve as the chief
10 administrative officer of the facility. In making its
11 nominations, the Committee shall give preference to
12 current employees of the facility. If and only if there is
13 an insufficient number of qualified and interested current
14 employees of the facility to provide 3 nominations may the
15 Committee consider for nomination current employees of
16 other facilities operated by the Department.

17 (4) No member of the Committee shall be eligible to be
18 nominated by the Committee.