

1 AN ACT concerning corrections.

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

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

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

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

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

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

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

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

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

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

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

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

26           Upon receipt of the bids, the Department may certify

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

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

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

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

25 (e) To establish a system of supervision and guidance  
26 of committed persons in the community.

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

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

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

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

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

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

14           (j) To cooperate with other departments and agencies  
15 and with local communities for the development of standards  
16 and programs for better correctional services in this  
17 State.

18           (k) To administer all moneys and properties of the  
19 Department.

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

22           (1-5) In a confidential annual report to the Governor,  
23 the Department shall identify all inmate gangs by  
24 specifying each current gang's name, population and allied  
25 gangs. The Department shall further specify the number of  
26 top leaders identified by the Department for each gang

1 during the past year, and the measures taken by the  
2 Department to segregate each leader from his or her gang  
3 and allied gangs. The Department shall further report the  
4 current status of leaders identified and segregated in  
5 previous years. All leaders described in the report shall  
6 be identified by inmate number or other designation to  
7 enable tracking, auditing, and verification without  
8 revealing the names of the leaders. Because this report  
9 contains law enforcement intelligence information  
10 collected by the Department, the report is confidential and  
11 not subject to public disclosure.

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

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

18 (o) To administer the distribution of funds from the  
19 State Treasury to reimburse counties where State penal  
20 institutions are located for the payment of assistant  
21 state's attorneys' salaries under Section 4-2001 of the  
22 Counties Code.

23 (p) To exchange information with the Department of  
24 Human Services and the Department of Healthcare and Family  
25 Services for the purpose of verifying living arrangements  
26 and for other purposes directly connected with the



1 administration of this Code and the Illinois Public Aid  
2 Code.

3 (q) To establish a diversion program.

4 The program shall provide a structured environment for  
5 selected technical parole or mandatory supervised release  
6 violators and committed persons who have violated the rules  
7 governing their conduct while in work release. This program  
8 shall not apply to those persons who have committed a new  
9 offense while serving on parole or mandatory supervised  
10 release or while committed to work release.

11 Elements of the program shall include, but shall not be  
12 limited to, the following:

13 (1) The staff of a diversion facility shall provide  
14 supervision in accordance with required objectives set  
15 by the facility.

16 (2) Participants shall be required to maintain  
17 employment.

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

21 (4) Each participant shall:

22 (A) provide restitution to victims in  
23 accordance with any court order;

24 (B) provide financial support to his  
25 dependents; and

26 (C) make appropriate payments toward any other

1 court-ordered obligations.

2 (5) Each participant shall complete community  
3 service in addition to employment.

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

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

9 (8) The Department shall promulgate rules  
10 governing the administration of the program.

11 (r) To enter into intergovernmental cooperation  
12 agreements under which persons in the custody of the  
13 Department may participate in a county impact  
14 incarceration program established under Section 3-6038 or  
15 3-15003.5 of the Counties Code.

16 (r-5) (Blank).

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

1 "leaders" means persons who:

2 (i) are members of a criminal streetgang;

3 (ii) with respect to other individuals within the  
4 streetgang, occupy a position of organizer,  
5 supervisor, or other position of management or  
6 leadership; and

7 (iii) are actively and personally engaged in  
8 directing, ordering, authorizing, or requesting  
9 commission of criminal acts by others, which are  
10 punishable as a felony, in furtherance of streetgang  
11 related activity both within and outside of the  
12 Department of Corrections.

13 "Streetgang", "gang", and "streetgang related" have the  
14 meanings ascribed to them in Section 10 of the Illinois  
15 Streetgang Terrorism Omnibus Prevention Act.

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

20 (t) To monitor any unprivileged conversation or any  
21 unprivileged communication, whether in person or by mail,  
22 telephone, or other means, between an inmate who, before  
23 commitment to the Department, was a member of an organized  
24 gang and any other person without the need to show cause or  
25 satisfy any other requirement of law before beginning the  
26 monitoring, except as constitutionally required. The

1 monitoring may be by video, voice, or other method of  
2 recording or by any other means. As used in this  
3 subdivision (1)(t), "organized gang" has the meaning  
4 ascribed to it in Section 10 of the Illinois Streetgang  
5 Terrorism Omnibus Prevention Act.

6 As used in this subdivision (1)(t), "unprivileged  
7 conversation" or "unprivileged communication" means a  
8 conversation or communication that is not protected by any  
9 privilege recognized by law or by decision, rule, or order  
10 of the Illinois Supreme Court.

11 (u) To establish a Women's and Children's Pre-release  
12 Community Supervision Program for the purpose of providing  
13 housing and services to eligible female inmates, as  
14 determined by the Department, and their newborn and young  
15 children.

16 (u-5) To issue an order, whenever a person committed to  
17 the Department absconds or absents himself or herself,  
18 without authority to do so, from any facility or program to  
19 which he or she is assigned. The order shall be certified  
20 by the Director, the Supervisor of the Apprehension Unit,  
21 or any person duly designated by the Director, with the  
22 seal of the Department affixed. The order shall be directed  
23 to all sheriffs, coroners, and police officers, or to any  
24 particular person named in the order. Any order issued  
25 pursuant to this subdivision (1) (u-5) shall be sufficient  
26 warrant for the officer or person named in the order to

1           arrest and deliver the committed person to the proper  
2           correctional officials and shall be executed the same as  
3           criminal process.

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

6           (2) The Department of Corrections shall by January 1, 1998,  
7           consider building and operating a correctional facility within  
8           100 miles of a county of over 2,000,000 inhabitants, especially  
9           a facility designed to house juvenile participants in the  
10          impact incarceration program.

11          (3) When the Department lets bids for contracts for medical  
12          services to be provided to persons committed to Department  
13          facilities by a health maintenance organization, medical  
14          service corporation, or other health care provider, the bid may  
15          only be let to a health care provider that has obtained an  
16          irrevocable letter of credit or performance bond issued by a  
17          company whose bonds have an investment grade or higher rating  
18          ~~are rated AAA~~ by a bond rating organization.

19          (4) When the Department lets bids for contracts for food or  
20          commissary services to be provided to Department facilities,  
21          the bid may only be let to a food or commissary services  
22          provider that has obtained an irrevocable letter of credit or  
23          performance bond issued by a company whose bonds have an  
24          investment grade or higher rating ~~are rated AAA~~ by a bond  
25          rating organization.

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

1 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

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

3 (a) Each institution and facility of the Department shall  
4 be administered by a chief administrative officer appointed by  
5 the Director. A chief administrative officer shall be  
6 responsible for all persons assigned to the institution or  
7 facility. The chief administrative officer shall administer  
8 the programs of the Department for the custody and treatment of  
9 such persons.

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

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

25 (d) The Department shall provide educational programs for

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

1 (d-5) A person committed to the Department is entitled to  
2 confidential testing for infection with human immunodeficiency  
3 virus (HIV) and to counseling in connection with such testing,  
4 with no copay to the committed person. A person committed to  
5 the Department who has tested positive for infection with HIV  
6 is entitled to medical care while incarcerated, counseling, and  
7 referrals to support services, in connection with that positive  
8 test result. Implementation of this subsection (d-5) is subject  
9 to appropriation.

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

18 (1) that immediate medical or surgical treatment is  
19 required relative to a condition threatening to cause  
20 death, damage or impairment to bodily functions, or  
21 disfigurement; and

22 (2) that the person is not capable of giving consent to  
23 such treatment; the chief administrative officer may give  
24 consent for such medical or surgical treatment, and such  
25 consent shall be deemed to be the consent of the person for  
26 all purposes, including, but not limited to, the authority



1 of a physician to give such treatment.

2 (e-5) If a physician providing medical care to a committed  
3 person on behalf of the Department advises the chief  
4 administrative officer that the committed person's mental or  
5 physical health has deteriorated as a result of the cessation  
6 of ingestion of food or liquid to the point where medical or  
7 surgical treatment is required to prevent death, damage, or  
8 impairment to bodily functions, the chief administrative  
9 officer may authorize such medical or surgical treatment.

10 (f) In the event that the person requires medical care and  
11 treatment at a place other than the institution or facility,  
12 the person may be removed therefrom under conditions prescribed  
13 by the Department. The Department shall require the committed  
14 person receiving medical or dental services on a non-emergency  
15 basis to pay a \$5 co-payment to the Department for each visit  
16 for medical or dental services. The amount of each co-payment  
17 shall be deducted from the committed person's individual  
18 account. A committed person who has a chronic illness, as  
19 defined by Department rules and regulations, shall be exempt  
20 from the \$5 co-payment for treatment of the chronic illness. A  
21 committed person shall not be subject to a \$5 co-payment for  
22 follow-up visits ordered by a physician, who is employed by, or  
23 contracts with, the Department. A committed person who is  
24 indigent is exempt from the \$5 co-payment and is entitled to  
25 receive medical or dental services on the same basis as a  
26 committed person who is financially able to afford the

1 co-payment. For purposes of this Section only, "indigent" means  
2 a committed person who has \$20 or less in his or her Inmate  
3 Trust Fund at the time of such services and ~~or~~ for the 30 days  
4 prior to such services. Notwithstanding any other provision in  
5 this subsection (f) to the contrary, any person committed to  
6 any facility operated by the Department of Juvenile Justice, as  
7 set forth in Section 3-2.5-15 of this Code, is exempt from the  
8 co-payment requirement for the duration of confinement in those  
9 facilities.

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

18 (h) The Department may provide Family Responsibility  
19 Services which may consist of, but not be limited to the  
20 following:

- 21 (1) family advocacy counseling;
- 22 (2) parent self-help group;
- 23 (3) parenting skills training;
- 24 (4) parent and child overnight program;
- 25 (5) parent and child reunification counseling, either  
26 separately or together, preceding the inmate's release;

1 and

2 (6) a prerelease reunification staffing involving the  
3 family advocate, the inmate and the child's counselor, or  
4 both and the inmate.

5 (i) (Blank). ~~a test approved by the Illinois Department of~~  
6 ~~Public Health to determine the presence of HIV infection, based~~  
7 ~~upon recommendations of United States Centers for Disease~~  
8 ~~Control and Prevention a reliable supplemental based upon~~  
9 ~~recommendations of the United States Centers for Disease~~  
10 ~~Control and Prevention information~~

11 (j) Any person convicted of a sex offense as defined in the  
12 Sex Offender Management Board Act shall be required to receive  
13 a sex offender evaluation prior to release into the community  
14 from the Department of Corrections. The sex offender evaluation  
15 shall be conducted in conformance with the standards and  
16 guidelines developed under the Sex Offender Management Board  
17 Act and by an evaluator approved by the Board.

18 (k) Any minor committed to the Department of Juvenile  
19 Justice for a sex offense as defined by the Sex Offender  
20 Management Board Act shall be required to undergo sex offender  
21 treatment by a treatment provider approved by the Board and  
22 conducted in conformance with the Sex Offender Management Board  
23 Act.

24 (l) Prior to the release of any inmate committed to a  
25 facility of the Department or the Department of Juvenile  
26 Justice, the Department must provide the inmate with

1 appropriate information verbally, in writing, by video, or  
2 other electronic means, concerning HIV and AIDS. The Department  
3 shall develop the informational materials in consultation with  
4 the Department of Public Health. At the same time, the  
5 Department must also offer the committed person the option of  
6 testing for infection with human immunodeficiency virus (HIV),  
7 with no copayment for the test. Pre-test information shall be  
8 provided to the committed person and informed consent obtained  
9 as required in subsection (d) of Section 3 and Section 5 of the  
10 AIDS Confidentiality Act. The Department may conduct opt-out  
11 HIV testing as defined in Section 4 of the AIDS Confidentiality  
12 Act. If the Department conducts opt-out HIV testing, the  
13 Department shall place signs in English, Spanish and other  
14 languages as needed in multiple, highly visible locations in  
15 the area where HIV testing is conducted informing inmates that  
16 they will be tested for HIV unless they refuse, and refusal or  
17 acceptance of testing shall be documented in the inmate's  
18 medical record. The Department shall follow procedures  
19 established by the Department of Public Health to conduct HIV  
20 testing and testing to confirm positive HIV test results. All  
21 testing must be conducted by medical personnel, but pre-test  
22 and other information may be provided by committed persons who  
23 have received appropriate training. The Department, in  
24 conjunction with the Department of Public Health, shall develop  
25 a plan that complies with the AIDS Confidentiality Act to  
26 deliver confidentially all positive or negative HIV test

1 results to inmates or former inmates. Nothing in this Section  
2 shall require the Department to offer HIV testing to an inmate  
3 who is known to be infected with HIV, or who has been tested  
4 for HIV within the previous 180 days and whose documented HIV  
5 test result is available to the Department electronically. The  
6 testing provided under this subsection (1) shall consist of a  
7 test approved by the Illinois Department of Public Health to  
8 determine the presence of HIV infection, based upon  
9 recommendations of the United States Centers for Disease  
10 Control and Prevention. If the test result is positive, a  
11 reliable supplemental test based upon recommendations of the  
12 United States Centers for Disease Control and Prevention shall  
13 be administered.

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

18 (m) The chief administrative officer of each institution or  
19 facility of the Department shall make a room in the institution  
20 or facility available for addiction recovery services to be  
21 provided to committed persons on a voluntary basis. The  
22 services shall be provided for one hour once a week at a time  
23 specified by the chief administrative officer of the  
24 institution or facility if the following conditions are met:

25 (1) the addiction recovery service contacts the chief  
26 administrative officer to arrange the meeting;

1           (2) the committed person may attend the meeting for  
2 addiction recovery services only if the committed person  
3 uses pre-existing free time already available to the  
4 committed person;

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

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

9           (5) if the addiction recovery service does not arrange  
10 for scheduling a meeting for that week, no addiction  
11 recovery services shall be provided to the committed person  
12 in the institution or facility for that week;

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

16           (7) a volunteer seeking to provide addiction recovery  
17 services under this subsection (m) must submit an  
18 application to the Department of Corrections under  
19 existing Department rules and the Department must review  
20 the application within 60 days after submission of the  
21 application to the Department; and

22           (8) each institution and facility of the Department  
23 shall manage the addiction recovery services program  
24 according to its own processes and procedures.

25           For the purposes of this subsection (m), "addiction  
26 recovery services" means recovery services for alcoholics and

1 addicts provided by volunteers of recovery support services  
2 recognized by the Department of Human Services.

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

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.