



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2944

Introduced 2/1/2012, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

20 ILCS 5/5-335	was 20 ILCS 5/9.11a
705 ILCS 405/1-7	from Ch. 37, par. 801-7
730 ILCS 5/3-2-5	from Ch. 38, par. 1003-2-5
730 ILCS 5/3-2-9	from Ch. 38, par. 1003-2-9
730 ILCS 5/3-3-4	from Ch. 38, par. 1003-3-4
730 ILCS 5/3-4-3	from Ch. 38, par. 1003-4-3
730 ILCS 5/3-5-3.1	from Ch. 38, par. 1003-5-3.1
730 ILCS 5/3-6-4	from Ch. 38, par. 1003-6-4
730 ILCS 5/3-8-7	from Ch. 38, par. 1003-8-7
730 ILCS 5/3-10-7	from Ch. 38, par. 1003-10-7
730 ILCS 5/3-13-4	from Ch. 38, par. 1003-13-4

Amends the Civil Administrative Code of Illinois, the Juvenile Court Act of 1987, and the Unified Code of Corrections. Eliminates references to the Adult Division of the Department of Corrections. Changes those references to the Department of Corrections. Effective immediately.

LRB097 14649 RLC 59537 b

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 Civil Administrative Code of Illinois is
5 amended by changing Section 5-335 as follows:

6 (20 ILCS 5/5-335) (was 20 ILCS 5/9.11a)

7 Sec. 5-335. In the Department of Corrections. The Director
8 of Corrections shall receive an annual salary as set by the
9 Compensation Review Board.

10 The Assistant Director of Corrections ~~Corrections — Adult~~
11 ~~Division~~ shall receive an annual salary as set by the
12 Compensation Review Board.

13 (Source: P.A. 96-800, eff. 10-30-09.)

14 Section 10. The Juvenile Court Act of 1987 is amended by
15 changing Section 1-7 as follows:

16 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

17 Sec. 1-7. Confidentiality of law enforcement records.

18 (A) Inspection and copying of law enforcement records
19 maintained by law enforcement agencies that relate to a minor
20 who has been arrested or taken into custody before his or her
21 17th birthday shall be restricted to the following:

1 (1) Any local, State or federal law enforcement
2 officers of any jurisdiction or agency when necessary for
3 the discharge of their official duties during the
4 investigation or prosecution of a crime or relating to a
5 minor who has been adjudicated delinquent and there has
6 been a previous finding that the act which constitutes the
7 previous offense was committed in furtherance of criminal
8 activities by a criminal street gang, or, when necessary
9 for the discharge of its official duties in connection with
10 a particular investigation of the conduct of a law
11 enforcement officer, an independent agency or its staff
12 created by ordinance and charged by a unit of local
13 government with the duty of investigating the conduct of
14 law enforcement officers. For purposes of this Section,
15 "criminal street gang" has the meaning ascribed to it in
16 Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

18 (2) Prosecutors, probation officers, social workers,
19 or other individuals assigned by the court to conduct a
20 pre-adjudication or pre-disposition investigation, and
21 individuals responsible for supervising or providing
22 temporary or permanent care and custody for minors pursuant
23 to the order of the juvenile court, when essential to
24 performing their responsibilities.

25 (3) Prosecutors and probation officers:

26 (a) in the course of a trial when institution of

1 criminal proceedings has been permitted or required
2 under Section 5-805; or

3 (b) when institution of criminal proceedings has
4 been permitted or required under Section 5-805 and such
5 minor is the subject of a proceeding to determine the
6 amount of bail; or

7 (c) when criminal proceedings have been permitted
8 or required under Section 5-805 and such minor is the
9 subject of a pre-trial investigation, pre-sentence
10 investigation, fitness hearing, or proceedings on an
11 application for probation.

12 (4) Adult and Juvenile Prisoner Review Board.

13 (5) Authorized military personnel.

14 (6) Persons engaged in bona fide research, with the
15 permission of the Presiding Judge of the Juvenile Court and
16 the chief executive of the respective law enforcement
17 agency; provided that publication of such research results
18 in no disclosure of a minor's identity and protects the
19 confidentiality of the minor's record.

20 (7) Department of Children and Family Services child
21 protection investigators acting in their official
22 capacity.

23 (8) The appropriate school official. Inspection and
24 copying shall be limited to law enforcement records
25 transmitted to the appropriate school official by a local
26 law enforcement agency under a reciprocal reporting system

1 established and maintained between the school district and
2 the local law enforcement agency under Section 10-20.14 of
3 the School Code concerning a minor enrolled in a school
4 within the school district who has been arrested or taken
5 into custody for any of the following offenses:

6 (i) unlawful use of weapons under Section 24-1 of
7 the Criminal Code of 1961;

8 (ii) a violation of the Illinois Controlled
9 Substances Act;

10 (iii) a violation of the Cannabis Control Act;

11 (iv) a forcible felony as defined in Section 2-8 of
12 the Criminal Code of 1961; or

13 (v) a violation of the Methamphetamine Control and
14 Community Protection Act.

15 (9) Mental health professionals on behalf of the
16 Illinois Department of Corrections or the Department of
17 Human Services or prosecutors who are evaluating,
18 prosecuting, or investigating a potential or actual
19 petition brought under the Sexually Violent Persons
20 Commitment Act relating to a person who is the subject of
21 juvenile law enforcement records or the respondent to a
22 petition brought under the Sexually Violent Persons
23 Commitment Act who is the subject of the juvenile law
24 enforcement records sought. Any records and any
25 information obtained from those records under this
26 paragraph (9) may be used only in sexually violent persons

1 commitment proceedings.

2 (B) (1) Except as provided in paragraph (2), no law
3 enforcement officer or other person or agency may knowingly
4 transmit to the Department of Corrections, ~~Adult Division~~
5 or the Department of State Police or to the Federal Bureau
6 of Investigation any fingerprint or photograph relating to
7 a minor who has been arrested or taken into custody before
8 his or her 17th birthday, unless the court in proceedings
9 under this Act authorizes the transmission or enters an
10 order under Section 5-805 permitting or requiring the
11 institution of criminal proceedings.

12 (2) Law enforcement officers or other persons or
13 agencies shall transmit to the Department of State Police
14 copies of fingerprints and descriptions of all minors who
15 have been arrested or taken into custody before their 17th
16 birthday for the offense of unlawful use of weapons under
17 Article 24 of the Criminal Code of 1961, a Class X or Class
18 1 felony, a forcible felony as defined in Section 2-8 of
19 the Criminal Code of 1961, or a Class 2 or greater felony
20 under the Cannabis Control Act, the Illinois Controlled
21 Substances Act, the Methamphetamine Control and Community
22 Protection Act, or Chapter 4 of the Illinois Vehicle Code,
23 pursuant to Section 5 of the Criminal Identification Act.
24 Information reported to the Department pursuant to this
25 Section may be maintained with records that the Department
26 files pursuant to Section 2.1 of the Criminal

1 Identification Act. Nothing in this Act prohibits a law
2 enforcement agency from fingerprinting a minor taken into
3 custody or arrested before his or her 17th birthday for an
4 offense other than those listed in this paragraph (2).

5 (C) The records of law enforcement officers, or of an
6 independent agency created by ordinance and charged by a unit
7 of local government with the duty of investigating the conduct
8 of law enforcement officers, concerning all minors under 17
9 years of age must be maintained separate from the records of
10 arrests and may not be open to public inspection or their
11 contents disclosed to the public except by order of the court
12 presiding over matters pursuant to this Act or when the
13 institution of criminal proceedings has been permitted or
14 required under Section 5-805 or such a person has been
15 convicted of a crime and is the subject of pre-sentence
16 investigation or proceedings on an application for probation or
17 when provided by law. For purposes of obtaining documents
18 pursuant to this Section, a civil subpoena is not an order of
19 the court.

20 (1) In cases where the law enforcement, or independent
21 agency, records concern a pending juvenile court case, the
22 party seeking to inspect the records shall provide actual
23 notice to the attorney or guardian ad litem of the minor
24 whose records are sought.

25 (2) In cases where the records concern a juvenile court
26 case that is no longer pending, the party seeking to

1 inspect the records shall provide actual notice to the
2 minor or the minor's parent or legal guardian, and the
3 matter shall be referred to the chief judge presiding over
4 matters pursuant to this Act.

5 (3) In determining whether the records should be
6 available for inspection, the court shall consider the
7 minor's interest in confidentiality and rehabilitation
8 over the moving party's interest in obtaining the
9 information. Any records obtained in violation of this
10 subsection (C) shall not be admissible in any criminal or
11 civil proceeding, or operate to disqualify a minor from
12 subsequently holding public office or securing employment,
13 or operate as a forfeiture of any public benefit, right,
14 privilege, or right to receive any license granted by
15 public authority.

16 (D) Nothing contained in subsection (C) of this Section
17 shall prohibit the inspection or disclosure to victims and
18 witnesses of photographs contained in the records of law
19 enforcement agencies when the inspection and disclosure is
20 conducted in the presence of a law enforcement officer for the
21 purpose of the identification or apprehension of any person
22 subject to the provisions of this Act or for the investigation
23 or prosecution of any crime.

24 (E) Law enforcement officers, and personnel of an
25 independent agency created by ordinance and charged by a unit
26 of local government with the duty of investigating the conduct

1 of law enforcement officers, may not disclose the identity of
2 any minor in releasing information to the general public as to
3 the arrest, investigation or disposition of any case involving
4 a minor.

5 (F) Nothing contained in this Section shall prohibit law
6 enforcement agencies from communicating with each other by
7 letter, memorandum, teletype or intelligence alert bulletin or
8 other means the identity or other relevant information
9 pertaining to a person under 17 years of age if there are
10 reasonable grounds to believe that the person poses a real and
11 present danger to the safety of the public or law enforcement
12 officers. The information provided under this subsection (F)
13 shall remain confidential and shall not be publicly disclosed,
14 except as otherwise allowed by law.

15 (G) Nothing in this Section shall prohibit the right of a
16 Civil Service Commission or appointing authority of any state,
17 county or municipality examining the character and fitness of
18 an applicant for employment with a law enforcement agency,
19 correctional institution, or fire department from obtaining
20 and examining the records of any law enforcement agency
21 relating to any record of the applicant having been arrested or
22 taken into custody before the applicant's 17th birthday.

23 (Source: P.A. 95-123, eff. 8-13-07; 96-419, eff. 8-13-09.)

24 Section 15. The Unified Code of Corrections is amended by
25 changing Sections 3-2-5, 3-2-9, 3-3-4, 3-4-3, 3-5-3.1, 3-6-4,

1 3-8-7, 3-10-7, and 3-13-4 as follows:

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

3 Sec. 3-2-5. Organization of the Department of Corrections
4 and the Department of Juvenile Justice.

5 (a) There shall be a ~~an Adult Division within the~~
6 Department of Corrections which shall be administered by a
7 Director and an Assistant Director appointed by the Governor
8 under The Civil Administrative Code of Illinois. The Assistant
9 Director shall be under the direction of the Director. The
10 Department of Corrections ~~Adult Division~~ shall be responsible
11 for all persons committed or transferred to the Department
12 under Sections 3-10-7 or 5-8-6 of this Code.

13 (b) There shall be a Department of Juvenile Justice which
14 shall be administered by a Director appointed by the Governor
15 under the Civil Administrative Code of Illinois. The Department
16 of Juvenile Justice shall be responsible for all persons under
17 17 years of age when sentenced to imprisonment and committed to
18 the Department under subsection (c) of Section 5-8-6 of this
19 Code, Section 5-10 of the Juvenile Court Act, or Section 5-750
20 of the Juvenile Court Act of 1987. Persons under 17 years of
21 age committed to the Department of Juvenile Justice pursuant to
22 this Code shall be sight and sound separate from adult
23 offenders committed to the Department of Corrections.

24 (c) The Department shall create a gang intelligence unit
25 under the supervision of the Director. The unit shall be

1 specifically designed to gather information regarding the
2 inmate gang population, monitor the activities of gangs, and
3 prevent the furtherance of gang activities through the
4 development and implementation of policies aimed at deterring
5 gang activity. The Director shall appoint a Corrections
6 Intelligence Coordinator.

7 All information collected and maintained by the unit shall
8 be highly confidential, and access to that information shall be
9 restricted by the Department. The information shall be used to
10 control and limit the activities of gangs within correctional
11 institutions under the jurisdiction of the Illinois Department
12 of Corrections and may be shared with other law enforcement
13 agencies in order to curb gang activities outside of
14 correctional institutions under the jurisdiction of the
15 Department and to assist in the investigations and prosecutions
16 of gang activity. The Department shall establish and promulgate
17 rules governing the release of information to outside law
18 enforcement agencies. Due to the highly sensitive nature of the
19 information, the information is exempt from requests for
20 disclosure under the Freedom of Information Act as the
21 information contained is highly confidential and may be harmful
22 if disclosed.

23 The Department shall file an annual report with the General
24 Assembly on the profile of the inmate population associated
25 with gangs, gang-related activity within correctional
26 institutions under the jurisdiction of the Department, and an

1 overall status of the unit as it relates to its function and
2 performance.

3 (Source: P.A. 94-696, eff. 6-1-06.)

4 (730 ILCS 5/3-2-9) (from Ch. 38, par. 1003-2-9)

5 Sec. 3-2-9. Each fiscal year, the Department shall prepare
6 and submit to the clerk of the circuit court a financial impact
7 statement that includes the estimated annual and monthly cost
8 of incarcerating an individual in a Department facility and the
9 estimated construction cost per bed. The estimated annual cost
10 of incarcerating an individual in a Department facility shall
11 be derived by taking the annual expenditures of Department of
12 Corrections ~~Adult Division~~ facilities and all administrative
13 costs and dividing the sum of these factors by the average
14 annual inmate population of the facilities. All statements
15 shall be made available to the public for inspection and
16 copying.

17 (Source: P.A. 87-417.)

18 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

19 Sec. 3-3-4. Preparation for Parole Hearing.

20 (a) The Prisoner Review Board shall consider the parole of
21 each eligible person committed to the Department of Corrections
22 ~~Adult Division~~ at least 30 days prior to the date he shall
23 first become eligible for parole, and shall consider the parole
24 of each person committed to the Department of Juvenile Justice

1 as a delinquent at least 30 days prior to the expiration of the
2 first year of confinement.

3 (b) A person eligible for parole shall, no less than 15
4 days in advance of his parole interview, prepare a parole plan
5 in accordance with the rules of the Prisoner Review Board. The
6 person shall be assisted in preparing his parole plan by
7 personnel of the Department of Corrections, or the Department
8 of Juvenile Justice in the case of a person committed to that
9 Department, and may, for this purpose, be released on furlough
10 under Article 11 or on authorized absence under Section 3-9-4.
11 The appropriate Department shall also provide assistance in
12 obtaining information and records helpful to the individual for
13 his parole hearing. If the person eligible for parole has a
14 petition or any written submissions prepared on his or her
15 behalf by an attorney or other representative, the attorney or
16 representative for the person eligible for parole must serve by
17 certified mail the State's Attorney of the county where he or
18 she was prosecuted with the petition or any written submissions
19 15 days after his or her parole interview. The State's Attorney
20 shall provide the attorney for the person eligible for parole
21 with a copy of his or her letter in opposition to parole via
22 certified mail within 5 business days of the en banc hearing.

23 (c) Any member of the Board shall have access at all
24 reasonable times to any committed person and to his master
25 record file within the Department, and the Department shall
26 furnish such a report to the Board concerning the conduct and

1 character of any such person prior to his or her parole
2 interview.

3 (d) In making its determination of parole, the Board shall
4 consider:

5 (1) material transmitted to the Department of Juvenile
6 Justice by the clerk of the committing court under Section
7 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
8 5-750 of the Juvenile Court Act of 1987;

9 (2) the report under Section 3-8-2 or 3-10-2;

10 (3) a report by the Department and any report by the
11 chief administrative officer of the institution or
12 facility;

13 (4) a parole progress report;

14 (5) a medical and psychological report, if requested by
15 the Board;

16 (6) material in writing, or on film, video tape or
17 other electronic means in the form of a recording submitted
18 by the person whose parole is being considered; and

19 (7) material in writing, or on film, video tape or
20 other electronic means in the form of a recording or
21 testimony submitted by the State's Attorney and the victim
22 or a concerned citizen pursuant to the Rights of Crime
23 Victims and Witnesses Act.

24 (e) The prosecuting State's Attorney's office shall
25 receive from the Board reasonable written notice not less than
26 30 days prior to the parole interview and may submit relevant

1 information by oral argument or testimony of victims and
2 concerned citizens, or both, in writing, or on film, video tape
3 or other electronic means or in the form of a recording to the
4 Board for its consideration. Upon written request of the
5 State's Attorney's office, the Prisoner Review Board shall hear
6 protests to parole, except in counties of 1,500,000 or more
7 inhabitants where there shall be standing objections to all
8 such petitions. If a State's Attorney who represents a county
9 of less than 1,500,000 inhabitants requests a protest hearing,
10 the inmate's counsel or other representative shall also receive
11 notice of such request. This hearing shall take place the month
12 following the inmate's parole interview. If the inmate's parole
13 interview is rescheduled then the Prisoner Review Board shall
14 promptly notify the State's Attorney of the new date. The
15 person eligible for parole shall be heard at the next scheduled
16 en banc hearing date. If the case is to be continued, the
17 State's Attorney's office and the attorney or representative
18 for the person eligible for parole will be notified of any
19 continuance within 5 business days. The State's Attorney may
20 waive the written notice.

21 (f) The victim of the violent crime for which the prisoner
22 has been sentenced shall receive notice of a parole hearing as
23 provided in paragraph (4) of subsection (d) of Section 4.5 of
24 the Rights of Crime Victims and Witnesses Act.

25 (g) Any recording considered under the provisions of
26 subsection (d) (6), (d) (7) or (e) of this Section shall be in

1 the form designated by the Board. Such recording shall be both
2 visual and aural. Every voice on the recording and person
3 present shall be identified and the recording shall contain
4 either a visual or aural statement of the person submitting
5 such recording, the date of the recording and the name of the
6 person whose parole eligibility is being considered. Such
7 recordings shall be retained by the Board and shall be deemed
8 to be submitted at any subsequent parole hearing if the victim
9 or State's Attorney submits in writing a declaration clearly
10 identifying such recording as representing the present
11 position of the victim or State's Attorney regarding the issues
12 to be considered at the parole hearing.

13 (h) The Board shall not release any material to the inmate,
14 the inmate's attorney, any third party, or any other person
15 containing any information from the victim or from a person
16 related to the victim by blood, adoption, or marriage who has
17 written objections, testified at any hearing, or submitted
18 audio or visual objections to the inmate's parole, unless
19 provided with a waiver from that objecting party.

20 (Source: P.A. 96-875, eff. 1-22-10; 97-523, eff. 1-1-12.)

21 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

22 Sec. 3-4-3. Funds and Property of Persons Committed.

23 (a) The Department of Corrections and the Department of
24 Juvenile Justice shall establish accounting records with
25 accounts for each person who has or receives money while in an

1 institution or facility of that Department and it shall allow
2 the withdrawal and disbursement of money by the person under
3 rules and regulations of that Department. Any interest or other
4 income from moneys deposited with the Department by a resident
5 of the Department of Juvenile Justice in excess of \$200 shall
6 accrue to the individual's account, or in balances up to \$200
7 shall accrue to the Residents' Benefit Fund. For an individual
8 in an institution or facility of the Department of Corrections
9 ~~Adult Division~~ the interest shall accrue to the Residents'
10 Benefit Fund. The Department shall disburse all moneys so held
11 no later than the person's final discharge from the Department.
12 Moneys in the account of a committed person who files a lawsuit
13 determined frivolous under Article XXII of the Code of Civil
14 Procedure shall be deducted to pay for the filing fees and cost
15 of the suit as provided in that Article. The Department shall
16 under rules and regulations record and receipt all personal
17 property not allowed to committed persons. The Department shall
18 return such property to the individual no later than the
19 person's release on parole.

20 (b) Any money held in accounts of committed persons
21 separated from the Department by death, discharge, or
22 unauthorized absence and unclaimed for a period of 1 year
23 thereafter by the person or his legal representative shall be
24 transmitted to the State Treasurer who shall deposit it into
25 the General Revenue Fund. Articles of personal property of
26 persons so separated may be sold or used by the Department if

1 unclaimed for a period of 1 year for the same purpose.
2 Clothing, if unclaimed within 30 days, may be used or disposed
3 of as determined by the Department.

4 (c) Forty percent of the profits on sales from commissary
5 stores shall be expended by the Department for the special
6 benefit of committed persons which shall include but not be
7 limited to the advancement of inmate payrolls, for the special
8 benefit of employees, and for the advancement or reimbursement
9 of employee travel, provided that amounts expended for
10 employees shall not exceed the amount of profits derived from
11 sales made to employees by such commissaries, as determined by
12 the Department. The remainder of the profits from sales from
13 commissary stores must be used first to pay for wages and
14 benefits of employees covered under a collective bargaining
15 agreement who are employed at commissary facilities of the
16 Department and then to pay the costs of dietary staff.

17 (d) The Department shall confiscate any unauthorized
18 currency found in the possession of a committed person. The
19 Department shall transmit the confiscated currency to the State
20 Treasurer who shall deposit it into the General Revenue Fund.

21 (Source: P.A. 93-607, eff. 1-1-04; 94-696, eff. 6-1-06.)

22 (730 ILCS 5/3-5-3.1) (from Ch. 38, par. 1003-5-3.1)

23 Sec. 3-5-3.1. As used in this Section, "facility" includes
24 any facility of the ~~Adult Division of the~~ Department of
25 Corrections and any facility of the Department of Juvenile

1 Justice.

2 The Department of Corrections and the Department of
3 Juvenile Justice shall each, by January 1st, April 1st, July
4 1st, and October 1st of each year, transmit to the General
5 Assembly, a report which shall include the following
6 information reflecting the period ending fifteen days prior to
7 the submission of the report: 1) the number of residents in all
8 Department facilities indicating the number of residents in
9 each listed facility; 2) a classification of each facility's
10 residents by the nature of the offense for which each resident
11 was committed to the Department; 3) the number of residents in
12 maximum, medium, and minimum security facilities indicating
13 the classification of each facility's residents by the nature
14 of the offense for which each resident was committed to the
15 Department; 4) the educational and vocational programs
16 provided at each facility and the number of residents
17 participating in each such program; 5) the present capacity
18 levels in each facility; 6) the projected capacity of each
19 facility six months and one year following each reporting date;
20 7) the ratio of the security guards to residents in each
21 facility; 8) the ratio of total employees to residents in each
22 facility; 9) the number of residents in each facility that are
23 single-celled and the number in each facility that are
24 double-celled; 10) information indicating the distribution of
25 residents in each facility by the allocated floor space per
26 resident; 11) a status of all capital projects currently funded

1 by the Department, location of each capital project, the
2 projected on-line dates for each capital project, including
3 phase-in dates and full occupancy dates; 12) the projected
4 adult prison facility populations in respect to the Department
5 of Corrections and the projected juvenile facility population
6 with respect to the Department of Juvenile Justice for each of
7 the succeeding twelve months following each reporting date,
8 indicating all assumptions built into such population
9 estimates; 13) the projected exits and projected admissions in
10 each facility for each of the succeeding twelve months
11 following each reporting date, indicating all assumptions
12 built into such population estimate; and 14) the locations of
13 all Department-operated or contractually operated community
14 correctional centers, including the present capacity and
15 population levels at each facility.

16 (Source: P.A. 94-696, eff. 6-1-06.)

17 (730 ILCS 5/3-6-4) (from Ch. 38, par. 1003-6-4)

18 Sec. 3-6-4. Enforcement of Discipline - Escape.

19 (a) A committed person who escapes or attempts to escape
20 from an institution or facility of the Department of
21 Corrections ~~Adult Division~~, or escapes or attempts to escape
22 while in the custody of an employee of the Department of
23 Corrections ~~Adult Division~~, or holds or participates in the
24 holding of any person as a hostage by force, threat or
25 violence, or while participating in any disturbance,

1 demonstration or riot, causes, directs or participates in the
2 destruction of any property is guilty of a Class 2 felony. A
3 committed person who fails to return from furlough or from work
4 and day release is guilty of a Class 3 felony.

5 (b) If one or more committed persons injures or attempts to
6 injure in a violent manner any employee, officer, guard, other
7 peace officer or any other committed person or damages or
8 attempts to damage any building or workshop, or any
9 appurtenances thereof, or attempts to escape, or disobeys or
10 resists any lawful command, the employees, officers, guards and
11 other peace officers shall use all suitable means to defend
12 themselves, to enforce the observance of discipline, to secure
13 the persons of the offenders, and prevent such attempted
14 violence or escape; and said employees, officers, guards, or
15 other peace officers, or any of them, shall, in the attempt to
16 prevent the escape of any such person, or in attempting to
17 retake any such person who has escaped, or in attempting to
18 prevent or suppress violence by a committed person against
19 another person, a riot, revolt, mutiny or insurrection, be
20 justified in the use of force, including force likely to cause
21 death or great bodily harm under Section 7-8 of the Criminal
22 Code of 1961 which he reasonably believed necessary.

23 As used in this Section, "committed person" includes a
24 person held in detention in a secure facility or committed as a
25 sexually violent person and held in a secure facility under the
26 Sexually Violent Persons Commitment Act; and "peace officer"

1 means any officer or member of any duly organized State, county
2 or municipal police unit or police force.

3 (c) The Department shall establish procedures to provide
4 immediate notification of the escape of any person, as defined
5 in subsection (a) of this Section, to the persons specified in
6 subsection (c) of Section 3-14-1 of this Code.

7 (Source: P.A. 90-793, eff. 8-14-98; 91-695, eff. 4-13-00.)

8 (730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)

9 Sec. 3-8-7. Disciplinary Procedures.)

10 (a) All disciplinary action shall be consistent with this
11 Chapter. Rules of behavior and conduct, the penalties for
12 violation thereof, and the disciplinary procedure by which such
13 penalties may be imposed shall be available to committed
14 persons.

15 (b) (1) Corporal punishment and disciplinary restrictions
16 on diet, medical or sanitary facilities, mail or access to
17 legal materials are prohibited.

18 (2) (Blank).

19 (3) (Blank).

20 (c) Review of disciplinary action imposed under this
21 Section shall be provided by means of the grievance procedure
22 under Section 3-8-8. The Department shall provide a disciplined
23 person with a review of his or her disciplinary action in a
24 timely manner as required by law.

25 (d) All institutions and facilities of the Department of

1 Corrections ~~Adult Division~~ shall establish, subject to the
2 approval of the Director, procedures for hearing disciplinary
3 cases except those that may involve the imposition of
4 disciplinary segregation and isolation; the loss of good time
5 credit under Section 3-6-3 or eligibility to earn good time
6 credit.

7 (e) In disciplinary cases which may involve the imposition
8 of disciplinary segregation and isolation, the loss of good
9 time credit or eligibility to earn good time credit, the
10 Director shall establish disciplinary procedures consistent
11 with the following principles:

12 (1) Any person or persons who initiate a disciplinary
13 charge against a person shall not determine the disposition
14 of the charge. The Director may establish one or more
15 disciplinary boards to hear and determine charges.

16 (2) Any committed person charged with a violation of
17 Department rules of behavior shall be given notice of the
18 charge including a statement of the misconduct alleged and
19 of the rules this conduct is alleged to violate.

20 (3) Any person charged with a violation of rules is
21 entitled to a hearing on that charge at which time he shall
22 have an opportunity to appear before and address the person
23 or persons deciding the charge.

24 (4) The person or persons determining the disposition
25 of the charge may also summon to testify any witnesses or
26 other persons with relevant knowledge of the incident.

1 (5) If the charge is sustained, the person charged is
2 entitled to a written statement of the decision by the
3 persons determining the disposition of the charge which
4 shall include the basis for the decision and the
5 disciplinary action, if any, to be imposed.

6 (6) (Blank).

7 (Source: P.A. 93-272, eff. 7-22-03.)

8 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

9 Sec. 3-10-7. Interdivisional Transfers.

10 (a) In any case where a minor was originally prosecuted
11 under the provisions of the Criminal Code of 1961, as amended,
12 and sentenced under the provisions of this Act pursuant to
13 Section 2-7 of the Juvenile Court Act or Section 5-805 of the
14 Juvenile Court Act of 1987 and committed to the Department of
15 Juvenile Justice under Section 5-8-6, the Department of
16 Juvenile Justice shall, within 30 days of the date that the
17 minor reaches the age of 17, send formal notification to the
18 sentencing court and the State's Attorney of the county from
19 which the minor was sentenced indicating the day upon which the
20 minor offender will achieve the age of 17. Within 90 days of
21 receipt of that notice, the sentencing court shall conduct a
22 hearing, pursuant to the provisions of subsection (c) of this
23 Section to determine whether or not the minor shall continue to
24 remain under the auspices of the Department of Juvenile Justice
25 or be transferred to the ~~Adult Division of the~~ Department of

1 Corrections.

2 The minor shall be served with notice of the date of the
3 hearing, shall be present at the hearing, and has the right to
4 counsel at the hearing. The minor, with the consent of his or
5 her counsel or guardian may waive his presence at hearing.

6 (b) Unless sooner paroled under Section 3-3-3, the
7 confinement of a minor person committed for an indeterminate
8 sentence in a criminal proceeding shall terminate at the
9 expiration of the maximum term of imprisonment, and he shall
10 thereupon be released to serve a period of parole under Section
11 5-8-1, but if the maximum term of imprisonment does not expire
12 until after his 21st birthday, he shall continue to be subject
13 to the control and custody of the Department of Juvenile
14 Justice, and on his 21st birthday, he shall be transferred to
15 the ~~Adult Division of the~~ Department of Corrections. If such
16 person is on parole on his 21st birthday, his parole
17 supervision may be transferred to the ~~Adult Division of the~~
18 Department of Corrections.

19 (c) Any interdivisional transfer hearing conducted
20 pursuant to subsection (a) of this Section shall consider all
21 available information which may bear upon the issue of
22 transfer. All evidence helpful to the court in determining the
23 question of transfer, including oral and written reports
24 containing hearsay, may be relied upon to the extent of its
25 probative value, even though not competent for the purposes of
26 an adjudicatory hearing. The court shall consider, along with

1 any other relevant matter, the following:

2 1. The nature of the offense for which the minor was
3 found guilty and the length of the sentence the minor has
4 to serve and the record and previous history of the minor.

5 2. The record of the minor's adjustment within the
6 Department of Juvenile Justice, including, but not limited
7 to, reports from the minor's counselor, any escapes,
8 attempted escapes or violent or disruptive conduct on the
9 part of the minor, any tickets received by the minor,
10 summaries of classes attended by the minor, and any record
11 of work performed by the minor while in the institution.

12 3. The relative maturity of the minor based upon the
13 physical, psychological and emotional development of the
14 minor.

15 4. The record of the rehabilitative progress of the
16 minor and an assessment of the vocational potential of the
17 minor.

18 5. An assessment of the necessity for transfer of the
19 minor, including, but not limited to, the availability of
20 space within the Department of Corrections, the
21 disciplinary and security problem which the minor has
22 presented to the Department of Juvenile Justice and the
23 practicability of maintaining the minor in a juvenile
24 facility, whether resources have been exhausted within the
25 Department of Juvenile Justice, the availability of
26 rehabilitative and vocational programs within the

1 Department of Corrections, and the anticipated ability of
2 the minor to adjust to confinement within an adult
3 institution based upon the minor's physical size and
4 maturity.

5 All relevant factors considered under this subsection need
6 not be resolved against the juvenile in order to justify such
7 transfer. Access to social records, probation reports or any
8 other reports which are considered by the court for the purpose
9 of transfer shall be made available to counsel for the juvenile
10 at least 30 days prior to the date of the transfer hearing. The
11 Sentencing Court, upon granting a transfer order, shall
12 accompany such order with a statement of reasons.

13 (d) Whenever the Director of Juvenile Justice or his
14 designee determines that the interests of safety, security and
15 discipline require the transfer to the Department of
16 Corrections of a person 17 years or older who was prosecuted
17 under the provisions of the Criminal Code of 1961, as amended,
18 and sentenced under the provisions of this Act pursuant to
19 Section 2-7 of the Juvenile Court Act or Section 5-805 of the
20 Juvenile Court Act of 1987 and committed to the Department of
21 Juvenile Justice under Section 5-8-6, the Director or his
22 designee may authorize the emergency transfer of such person,
23 unless the transfer of the person is governed by subsection (e)
24 of this Section. The sentencing court shall be provided notice
25 of any emergency transfer no later than 3 days after the
26 emergency transfer. Upon motion brought within 60 days of the

1 emergency transfer by the sentencing court or any party, the
2 sentencing court may conduct a hearing pursuant to the
3 provisions of subsection (c) of this Section in order to
4 determine whether the person shall remain confined in the
5 Department of Corrections.

6 (e) The Director of Juvenile Justice or his designee may
7 authorize the permanent transfer to the Department of
8 Corrections of any person 18 years or older who was prosecuted
9 under the provisions of the Criminal Code of 1961, as amended,
10 and sentenced under the provisions of this Act pursuant to
11 Section 2-7 of the Juvenile Court Act or Section 5-805 of the
12 Juvenile Court Act of 1987 and committed to the Department of
13 Juvenile Justice under Section 5-8-6 of this Act. The Director
14 of Juvenile Justice or his designee shall be governed by the
15 following factors in determining whether to authorize the
16 permanent transfer of the person to the Department of
17 Corrections:

18 1. The nature of the offense for which the person was
19 found guilty and the length of the sentence the person has
20 to serve and the record and previous history of the person.

21 2. The record of the person's adjustment within the
22 Department of Juvenile Justice, including, but not limited
23 to, reports from the person's counselor, any escapes,
24 attempted escapes or violent or disruptive conduct on the
25 part of the person, any tickets received by the person,
26 summaries of classes attended by the person, and any record

1 of work performed by the person while in the institution.

2 3. The relative maturity of the person based upon the
3 physical, psychological and emotional development of the
4 person.

5 4. The record of the rehabilitative progress of the
6 person and an assessment of the vocational potential of the
7 person.

8 5. An assessment of the necessity for transfer of the
9 person, including, but not limited to, the availability of
10 space within the Department of Corrections, the
11 disciplinary and security problem which the person has
12 presented to the Department of Juvenile Justice and the
13 practicability of maintaining the person in a juvenile
14 facility, whether resources have been exhausted within the
15 Department of Juvenile Justice, the availability of
16 rehabilitative and vocational programs within the
17 Department of Corrections, and the anticipated ability of
18 the person to adjust to confinement within an adult
19 institution based upon the person's physical size and
20 maturity.

21 (Source: P.A. 94-696, eff. 6-1-06.)

22 (730 ILCS 5/3-13-4) (from Ch. 38, par. 1003-13-4)

23 Sec. 3-13-4. Rules and Sanctions.) (a) The Department shall
24 establish rules governing release status and shall provide
25 written copies of such rules to both the committed person on

1 work or day release and to the employer or other person
2 responsible for the individual. Such employer or other
3 responsible person shall agree to abide by such rules, notify
4 the Department of any violation thereof by the individual on
5 release status, and notify the Department of the discharge of
6 the person from work or other programs.

7 (b) If a committed person violates any rule, the Department
8 may impose sanctions appropriate to the violation. The
9 Department shall provide sanctions for unauthorized absences
10 which shall include prosecution for escape under Section 3-6-4.

11 (c) An order certified by the Director, Assistant Director
12 ~~Adult Division~~, or the Supervisor of the Apprehension Unit, or
13 a person duly designated by him or her, with the seal of the
14 Department of Corrections attached and directed to all
15 sheriffs, coroners, police officers, or to any particular
16 persons named in the order shall be sufficient warrant for the
17 officer or person named therein to arrest and deliver the
18 violator to the proper correctional official. Such order shall
19 be executed the same as criminal processes.

20 In the event that a work-releasee is arrested for another
21 crime, the sheriff or police officer shall hold the releasee in
22 custody until he notifies the nearest Office of Field Services
23 or any of the above-named persons designated in this Section to
24 certify the particular process or warrant.

25 (d) Not less than 15 days prior to any person being placed
26 in a work release facility, the Department of Corrections shall

1 provide to the State's Attorney and Sheriff of the county in
2 which the work release center is located, relevant identifying
3 information concerning the person to be placed in the work
4 release facility. Such information shall include, but not be
5 limited to, such identifying information as name, age, physical
6 description, photograph, the offense, and the sentence for
7 which the person is serving time in the Department of
8 Corrections, and like information. The Department of
9 Corrections shall, in addition, give written notice not less
10 than 15 days prior to the placement to the State's Attorney of
11 the county from which the offender was originally sentenced.
12 (Source: P.A. 83-346.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.