

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.