

1 AN ACT concerning State government.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing Section
6 14 as follows:

7 (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

8 Sec. 14. Chester Mental Health Center. To maintain and
9 operate a facility for the care, custody, and treatment of
10 persons with mental illness or habilitation of persons with
11 developmental disabilities hereinafter designated, to be known
12 as the Chester Mental Health Center.

13 Within the Chester Mental Health Center there shall be
14 confined the following classes of persons, whose history, in
15 the opinion of the Department, discloses dangerous or violent
16 tendencies and who, upon examination under the direction of the
17 Department, have been found a fit subject for confinement in
18 that facility:

19 (a) Any male person who is charged with the commission
20 of a crime but has been acquitted by reason of insanity as
21 provided in Section 5-2-4 of the Unified Code of
22 Corrections.

23 (b) Any male person who is charged with the commission

1 of a crime but has been found unfit under Article 104 of
2 the Code of Criminal Procedure of 1963.

3 (c) Any male person with mental illness or
4 developmental disabilities or person in need of mental
5 treatment now confined under the supervision of the
6 Department or hereafter admitted to any facility thereof or
7 committed thereto by any court of competent jurisdiction.

8 If and when it shall appear to the facility director of the
9 Chester Mental Health Center that it is necessary to confine
10 persons in order to maintain security or provide for the
11 protection and safety of recipients and staff, the Chester
12 Mental Health Center may confine all persons on a unit to their
13 rooms. This period of confinement shall not exceed 10 hours in
14 a 24 hour period, including the recipient's scheduled hours of
15 sleep, unless approved by the Secretary of the Department.
16 During the period of confinement, the persons confined shall be
17 observed at least every 15 minutes. A record shall be kept of
18 the observations. This confinement shall not be considered
19 seclusion as defined in the Mental Health and Developmental
20 Disabilities Code.

21 The facility director of the Chester Mental Health Center
22 may authorize the temporary use of handcuffs on a recipient for
23 a period not to exceed 10 minutes when necessary in the course
24 of transport of the recipient within the facility to maintain
25 custody or security. Use of handcuffs is subject to the
26 provisions of Section 2-108 of the Mental Health and

1 Developmental Disabilities Code. The facility shall keep a
2 monthly record listing each instance in which handcuffs are
3 used, circumstances indicating the need for use of handcuffs,
4 and time of application of handcuffs and time of release
5 therefrom. The facility director shall allow the Illinois
6 Guardianship and Advocacy Commission, the agency designated by
7 the Governor under Section 1 of the Protection and Advocacy for
8 Developmentally Disabled Persons Act, and the Department to
9 examine and copy such record upon request.

10 The facility director of the Chester Mental Health Center
11 may authorize the temporary use of transport devices on a civil
12 recipient when necessary in the course of transport of the
13 civil recipient outside the facility to maintain custody or
14 security. Use of transport devices shall be reviewed and
15 approved by a physician based upon a determination of the civil
16 recipient's current functioning level, prior experience during
17 similar transports, length, duration and purpose of trip, risk
18 of unauthorized absence and risk of violence. Staff
19 transporting the individual shall be trained in the use of the
20 transport devices and shall observe and monitor the individual
21 while being transported. The facility shall keep a monthly
22 record listing each instance in which transport devices are
23 used, circumstances indicating the need for use of transport
24 devices, and time of application of transport devices and time
25 of release from those devices. The facility director shall
26 allow the Illinois Guardianship and Advocacy Commission, the

1 agency designated by the Governor under Section 1 of the
2 Protection and Advocacy for Developmentally Disabled Persons
3 Act, and the Department to examine and copy the record upon
4 request. This use of transport devices shall not be considered
5 restraint as defined in the Mental Health and Developmental
6 Disabilities Code.

7 If and when it shall appear to the satisfaction of the
8 Department that any person confined in the Chester Mental
9 Health Center is not or has ceased to be such a source of
10 danger to the public as to require his subjection to the
11 regimen of the center, the Department is hereby authorized to
12 transfer such person to any State facility for treatment of
13 persons with mental illness or habilitation of persons with
14 developmental disabilities, as the nature of the individual
15 case may require.

16 Subject to the provisions of this Section, the Department,
17 except where otherwise provided by law, shall, with respect to
18 the management, conduct and control of the Chester Mental
19 Health Center and the discipline, custody and treatment of the
20 persons confined therein, have and exercise the same rights and
21 powers as are vested by law in the Department with respect to
22 any and all of the State facilities for treatment of persons
23 with mental illness or habilitation of persons with
24 developmental disabilities, and the recipients thereof, and
25 shall be subject to the same duties as are imposed by law upon
26 the Department with respect to such facilities and the

1 recipients thereof.

2 (Source: P.A. 91-559, eff. 1-1-00.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.