

SB1331



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1331

Introduced 2/5/2013, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-10-2

from Ch. 38, par. 1003-10-2

Amends the Unified Code of Corrections. Provides that the Director of Juvenile Justice may execute consent for medical or other health treatment on behalf of persons committed to the Department of Juvenile Justice. Effective immediately.

LRB098 02593 RLC 32598 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-10-2 as follows:

6 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

7 Sec. 3-10-2. Examination of Persons Committed to the
8 Department of Juvenile Justice.

9 (a) A person committed to the Department of Juvenile
10 Justice shall be examined in regard to his medical,
11 psychological, social, educational and vocational condition
12 and history, including the use of alcohol and other drugs, the
13 circumstances of his offense and any other information as the
14 Department of Juvenile Justice may determine.

15 (a-5) Upon admission of a person committed to the
16 Department of Juvenile Justice, the Department of Juvenile
17 Justice must provide the person with appropriate information
18 concerning HIV and AIDS in writing, verbally, or by video or
19 other electronic means. The Department of Juvenile Justice
20 shall develop the informational materials in consultation with
21 the Department of Public Health. At the same time, the
22 Department of Juvenile Justice also must offer the person the
23 option of being tested, at no charge to the person, for

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

1 testing provided under this subsection (a-5) shall consist of a
2 test approved by the Illinois Department of Public Health to
3 determine the presence of HIV infection, based upon
4 recommendations of the United States Centers for Disease
5 Control and Prevention. If the test result is positive, a
6 reliable supplemental test based upon recommendations of the
7 United States Centers for Disease Control and Prevention shall
8 be administered.

9 Also upon admission of a person committed to the Department
10 of Juvenile Justice, the Department of Juvenile Justice must
11 inform the person of the Department's obligation to provide the
12 person with medical care. The Director of Juvenile Justice may
13 execute consent for medical or other health treatment on behalf
14 of persons committed to the Department of Juvenile Justice.

15 (b) Based on its examination, the Department of Juvenile
16 Justice may exercise the following powers in developing a
17 treatment program of any person committed to the Department of
18 Juvenile Justice:

19 (1) Require participation by him in vocational,
20 physical, educational and corrective training and
21 activities to return him to the community.

22 (2) Place him in any institution or facility of the
23 Department of Juvenile Justice.

24 (3) Order replacement or referral to the Parole and
25 Pardon Board as often as it deems desirable. The Department
26 of Juvenile Justice shall refer the person to the Parole

1 and Pardon Board as required under Section 3-3-4.

2 (4) Enter into agreements with the Secretary of Human
3 Services and the Director of Children and Family Services,
4 with courts having probation officers, and with private
5 agencies or institutions for separate care or special
6 treatment of persons subject to the control of the
7 Department of Juvenile Justice.

8 (c) The Department of Juvenile Justice shall make periodic
9 reexamination of all persons under the control of the
10 Department of Juvenile Justice to determine whether existing
11 orders in individual cases should be modified or continued.
12 This examination shall be made with respect to every person at
13 least once annually.

14 (d) A record of the treatment decision including any
15 modification thereof and the reason therefor, shall be part of
16 the committed person's master record file.

17 (e) The Department of Juvenile Justice shall by certified
18 mail, return receipt requested, notify the parent, guardian or
19 nearest relative of any person committed to the Department of
20 Juvenile Justice of his physical location and any change
21 thereof.

22 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;
23 97-813, eff. 7-13-12.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.