



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB2992

Introduced 2/4/2014, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

730 ILCS 195/20  
730 ILCS 195/25  
730 ILCS 195/30

Amends the Department of Juvenile Justice Mortality Review Team Act. Provides that a mortality review team shall review a youth death as soon as practicable and not later than within 60 (rather than 90) days after a law enforcement agency's completion of its investigation if the death is the result of alleged or suspected criminal activity. Provides that if there has been no investigation by a law enforcement agency, the mortality review team shall review a youth's death within 60 (rather than 90) days after obtaining the information necessary to complete the review from the coroner, pathologist, medical examiner, or law enforcement agency, depending on the nature of the case. Provides that within 60 (rather than 90) days after the Director of Juvenile Justice submits a reply with respect to a recommendation concerning the prevention of deaths of youth in the Department of Juvenile Justice's custody, the Director must submit an additional report to the chairperson of the team that sets forth in detail the way, if any, in which the Director will implement the recommendation and the schedule for implementing the recommendation. Provides that within 120 (rather than 180) days after the Director submits a reply concerning the implementation of a team's recommendation, the Director shall submit a further report to the chairperson of the team that made the recommendation and to the Executive Inspector General.

LRB098 17794 RLC 52916 b

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 Department of Juvenile Justice Mortality  
5 Review Team Act is amended by changing Sections 20, 25, and 30  
6 as follows:

7 (730 ILCS 195/20)

8 Sec. 20. Reviews of youth deaths.

9 (a) A mortality review team shall review every death of a  
10 youth that occurs within a facility of the Department or as the  
11 result of an act or incident occurring within a facility of the  
12 Department, including deaths resulting from suspected illness,  
13 injury, or self-harm or from an unknown cause.

14 (b) If the coroner of the county in which a youth died  
15 determines that the youth's death was the direct or proximate  
16 result of alleged or suspected criminal activity, the mortality  
17 review team's investigation shall be in addition to any  
18 criminal investigation of the death but shall be limited to a  
19 review of systems and practices of the Department. In the  
20 course of conducting its review, the team shall obtain  
21 assurance from law enforcement officials that acts taken in  
22 furtherance of the review will not impair any criminal  
23 investigation or prosecution.

1 (c) A mortality review team's purpose in conducting a  
2 review of a youth death is to do the following:

3 (1) Assist in determining the cause and manner of the  
4 youth's death, if requested.

5 (2) Evaluate any means by which the death might have  
6 been prevented, including, but not limited to, the  
7 evaluation of the Department's systems for the following:

8 (A) Training.

9 (B) Assessment and referral for services.

10 (C) Communication.

11 (D) Housing.

12 (E) Supervision of youth.

13 (F) Intervention in critical incidents.

14 (G) Reporting.

15 (H) Follow-up and mortality review following  
16 critical incidents or youth deaths.

17 (3) Recommend continuing education and training for  
18 Department staff.

19 (4) Make specific recommendations to the Director  
20 concerning the prevention of deaths of youth in the  
21 Department's custody.

22 (d) A mortality review team shall review a youth death as  
23 soon as practicable and not later than within 60 ~~90~~ days after  
24 a law enforcement agency's completion of its investigation if  
25 the death is the result of alleged or suspected criminal  
26 activity. If there has been no investigation by a law

1 enforcement agency, the mortality review team shall review a  
2 youth's death within 60 ~~90~~ days after obtaining the information  
3 necessary to complete the review from the coroner, pathologist,  
4 medical examiner, or law enforcement agency, depending on the  
5 nature of the case. The team shall meet as needed in person or  
6 via teleconference or video conference following appointment  
7 of the team members. When necessary and upon request of the  
8 team, the Director may extend the deadline for a review up to  
9 an additional 90 days.

10 (Source: P.A. 96-1378, eff. 7-29-10.)

11 (730 ILCS 195/25)

12 Sec. 25. Director's reply and additional report.

13 (a) As soon as practicable, but not later than 90 days  
14 after receipt of the recommendations made by a team pursuant to  
15 subdivision (c) (4) of Section 20, the Director shall review and  
16 reply to each such recommendation. With respect to each  
17 recommendation made by a team, the Director shall submit his or  
18 her reply to the chairperson of that team. The Director's reply  
19 to each recommendation must include a statement as to whether  
20 the Director intends to implement the recommendation. The  
21 Director shall implement a team's recommendations as feasible  
22 and appropriate and shall respond in writing to explain the  
23 implementation or non-implementation of each recommendation.

24 (b) Within 60 ~~90~~ days after the Director submits a reply  
25 with respect to a recommendation as required by subsection (a),

1 the Director must submit an additional report to the  
2 chairperson of the team that sets forth in detail the way, if  
3 any, in which the Director will implement the recommendation  
4 and the schedule for implementing the recommendation.

5 (Source: P.A. 96-1378, eff. 7-29-10.)

6 (730 ILCS 195/30)

7 Sec. 30. Report to Executive Inspector General. Within 120  
8 ~~180~~ days after the Director submits a reply under subsection  
9 (a) of Section 25 concerning the implementation of a team's  
10 recommendation, the Director shall submit a further report to  
11 the chairperson of the team that made the recommendation and to  
12 the Executive Inspector General appointed by the Governor under  
13 Section 20-10 of the State Officials and Employees Ethics Act.  
14 The Director's report shall set forth any specific changes in  
15 the Department's policies and procedures that have been made in  
16 response to the team's recommendation.

17 (Source: P.A. 96-1378, eff. 7-29-10.)