

1 AN ACT in relation to 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 3-6-2 as follows:

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

7 Sec. 3-6-2. Institutions and Facility Administration.

8 (a) Each institution and facility of the Department
9 shall be administered by a chief administrative officer
10 appointed by the Director. A chief administrative officer
11 shall be responsible for all persons assigned to the
12 institution or facility. The chief administrative officer
13 shall administer the programs of the Department for the
14 custody and treatment of such persons.

15 (b) The chief administrative officer shall have such
16 assistants as the Department may assign.

17 (c) The Director or Assistant Director shall have the
18 emergency powers to temporarily transfer individuals without
19 formal procedures to any State, county, municipal or regional
20 correctional or detention institution or facility in the
21 State, subject to the acceptance of such receiving
22 institution or facility, or to designate any reasonably
23 secure place in the State as such an institution or facility
24 and to make transfers thereto. However, transfers made under
25 emergency powers shall be reviewed as soon as practicable
26 under Article 8, and shall be subject to Section 5-905 of the
27 Juvenile Court Act of 1987. This Section shall not apply to
28 transfers to the Department of Human Services which are
29 provided for under Section 3-8-5 or Section 3-10-5.

30 (d) The Department shall provide educational programs
31 for all committed persons so that all persons have an

1 opportunity to attain the achievement level equivalent to the
2 completion of the twelfth grade in the public school system
3 in this State. Other higher levels of attainment shall be
4 encouraged and professional instruction shall be maintained
5 wherever possible. The Department may establish programs of
6 mandatory education and may establish rules and regulations
7 for the administration of such programs. A person committed
8 to the Department who, during the period of his or her
9 incarceration, participates in an educational program
10 provided by or through the Department and through that
11 program is awarded or earns the number of hours of credit
12 required for the award of an associate, baccalaureate, or
13 higher degree from a community college, college, or
14 university located in Illinois shall reimburse the State,
15 through the Department, for the costs incurred by the State
16 in providing that person during his or her incarceration with
17 the education that qualifies him or her for the award of that
18 degree. The costs for which reimbursement is required under
19 this subsection shall be determined and computed by the
20 Department under rules and regulations that it shall
21 establish for that purpose. However, interest at the rate of
22 6% per annum shall be charged on the balance of those costs
23 from time to time remaining unpaid, from the date of the
24 person's parole, mandatory supervised release, or release
25 constituting a final termination of his or her commitment to
26 the Department until paid.

27 (e) A person committed to the Department who becomes in
28 need of medical or surgical treatment but is incapable of
29 giving consent thereto shall receive such medical or surgical
30 treatment by the chief administrative officer consenting on
31 the person's behalf. Before the chief administrative officer
32 consents, he or she shall obtain the advice of one or more
33 physicians licensed to practice medicine in all its branches
34 in this State. If such physician or physicians advise:

1 (1) that immediate medical or surgical treatment is
2 required relative to a condition threatening to cause
3 death, damage or impairment to bodily functions, or
4 disfigurement; and

5 (2) that the person is not capable of giving
6 consent to such treatment; the chief administrative
7 officer may give consent for such medical or surgical
8 treatment, and such consent shall be deemed to be the
9 consent of the person for all purposes, including, but
10 not limited to, the authority of a physician to give such
11 treatment.

12 (f) In the event that the person requires medical care
13 and treatment at a place other than the institution or
14 facility, the person may be removed therefrom under
15 conditions prescribed by the Department. The Department shall
16 require the committed person receiving medical or dental
17 services on a non-emergency basis to pay a \$2 co-payment to
18 the Department for each visit for medical or dental services.
19 The amount of each co-payment shall be deducted from the
20 committed person's individual account. A committed person who
21 has a chronic illness, as defined by Department rules and
22 regulations, shall be exempt from the \$2 co-payment for
23 treatment of the chronic illness. A committed person shall
24 not be subject to a \$2 co-payment for follow-up visits
25 ordered by a physician, who is employed by, or contracts
26 with, the Department. A committed person who is indigent is
27 exempt from the \$2 co-payment and is entitled to receive
28 medical or dental services on the same basis as a committed
29 person who is financially able to afford the co-payment.
30 Notwithstanding any other provision in this subsection (f) to
31 the contrary, any person committed to any facility operated
32 by the Juvenile Division, as set forth in subsection (b) of
33 Section 3-2-5 of this Code, is exempt from the co-payment
34 requirement for the duration of confinement in those

1 facilities.

2 (g) Any person having sole custody of a child at the
3 time of commitment or any woman giving birth to a child after
4 her commitment, may arrange through the Department of
5 Children and Family Services for suitable placement of the
6 child outside of the Department of Corrections. The Director
7 of the Department of Corrections may determine that there are
8 special reasons why the child should continue in the custody
9 of the mother until the child is 6 years old.

10 (h) The Department may provide Family Responsibility
11 Services which may consist of, but not be limited to the
12 following:

- 13 (1) family advocacy counseling;
- 14 (2) parent self-help group;
- 15 (3) parenting skills training;
- 16 (4) parent and child overnight program;
- 17 (5) parent and child reunification counseling,
18 either separately or together, preceding the inmate's
19 release; and

20 (6) a prerelease reunification staffing involving
21 the family advocate, the inmate and the child's
22 counselor, or both and the inmate.

23 (i) Prior to the release of any inmate who has a
24 documented history of intravenous drug use, and upon the
25 receipt of that inmate's written informed consent, the
26 Department shall provide for the testing of such inmate for
27 infection with human immunodeficiency virus (HIV) and any
28 other identified causative agent of acquired immunodeficiency
29 syndrome (AIDS). The testing provided under this subsection
30 shall consist of an enzyme-linked immunosorbent assay (ELISA)
31 test or such other test as may be approved by the Illinois
32 Department of Public Health. If the test result is positive,
33 the Western Blot Assay or more reliable confirmatory test
34 shall be administered. All inmates tested in accordance with

1 the provisions of this subsection shall be provided with
2 pre-test and post-test counseling. Notwithstanding any
3 provision of this subsection to the contrary, the Department
4 shall not be required to conduct the testing and counseling
5 required by this subsection unless sufficient funds to cover
6 all costs of such testing and counseling are appropriated for
7 that purpose by the General Assembly.

8 (Source: P.A. 90-14, eff. 7-1-97; 90-590, eff. 1-1-99;
9 91-912, eff. 7-7-00.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.