

1 AMENDMENT TO SENATE BILL 1641

2 AMENDMENT NO. _____. Amend Senate Bill 1641, AS AMENDED,
3 as follows:

4 by replacing everything after the enacting clause with the
5 following:

6 "Section 5. The Mental Health and Developmental
7 Disabilities Administrative Act is amended by adding Section
8 72 as follows:

9 (20 ILCS 1705/72 new)

10 Sec. 72. Database to assist county jails in assessing
11 the risks posed by mentally ill inmates.

12 (a) Subject to appropriations made by the General
13 Assembly for this purpose, the Department shall create and
14 maintain, no later than January 1, 2004, an electronic system
15 accessible over the Internet to the sheriff of each county
16 enabling the sheriff to determine within 24 hours of
17 admission whether any person admitted to a jail operated by
18 the sheriff has received mental health services in a facility
19 operated by the Department within the past 90 days and
20 whether the Department has information suggesting that the
21 inmate poses a threat to himself or herself or others. The

1 Department shall take appropriate precautions to protect the
2 security of the information transmitted under this subsection
3 (a), including but not limited to the use of access codes.

4 (b) The Department shall take reasonable steps to add to
5 this electronic system the information set forth in
6 subsection (a) of this Section relating to any person who has
7 received mental health services from other providers funded
8 by the Department.

9 (c) The Department has the duty to establish the
10 Internet web-site described in this Section as a secure
11 web-site in which the information may not be disclosed to the
12 general public. The Department shall promulgate procedures
13 for obtaining access to the web-site by sheriff and
14 Department personnel and rules to safeguard the
15 confidentiality of information concerning mental health
16 services received by a person confined in jail that is
17 available to sheriff personnel using the web-site.

18 Section 10. The Unified Code of Corrections is amended
19 by changing Section 3-15-3 as follows:

20 (730 ILCS 5/3-15-3) (from Ch. 38, par. 1003-15-3)

21 Sec. 3-15-3. Persons with mental illness and
22 developmental disabilities.

23 (a) The Department must, by rule, establish standards
24 and procedures for the provision of mental health and
25 developmental disability services to persons with mental
26 illness and persons with a developmental disability confined
27 in a local jail or juvenile detention facility as set forth
28 under Section 3-7-7 of this Code.

29 Those standards and procedures must address screening and
30 classification, the use of psychotropic medications, suicide
31 prevention, qualifications of staff, staffing levels, staff
32 training, discharge, linkage and aftercare, the

1 confidentiality of mental health records, and such other
2 issues as are necessary to ensure that inmates with mental
3 illness receive adequate and humane care and services.

4 Those standards and procedures must include a requirement
5 that the sheriff of each county whose jail has access to the
6 Internet make arrangements with the Department of Human
7 Services, under Section 72 of the Mental Health and
8 Developmental Disabilities Administrative Act, no later than
9 January 1, 2004 enabling the sheriff to determine whether any
10 person admitted to the jail has received mental health
11 services within the past 90 days and, if so, whether there is
12 information suggesting that the person poses a risk to his or
13 her own safety or that of others.

14 Those standards shall further include a requirement that
15 the sheriff of any county whose jail does not have access to
16 the Internet must provide Internet access to the jail no
17 later than January 1, 2005, and, upon obtaining Internet
18 access, make arrangements with the Department of Human
19 Services, under Section 72 of the Mental Health and
20 Developmental Disabilities Administrative Act, to determine
21 whether any person admitted to the jail has received mental
22 health services within the past 90 days and, if so, whether
23 there is information suggesting that the person poses a risk
24 to his or her own safety or that of others.

25 The Office of Mental Health and any sheriff may enter
26 into such agreements, including but not limited to the
27 sharing or provision of computer software or hardware, as
28 they may deem appropriate to facilitate the sharing of the
29 information in a prompt and effective manner.

30 Information obtained by the sheriffs under this Section
31 shall be used only to determine if an inmate poses a risk to
32 his or her own safety or that of others at the jail or to
33 provide treatment to the inmate and may not be redisclosed
34 for any other purpose or investigation.

1 (b) At least once each year, the Department must inspect
2 each local jail and juvenile detention facility for
3 compliance with the standards and procedures established. The
4 results of the inspection must be made available by the
5 Department for public inspection. If any jail or juvenile
6 detention facility does not comply with the standards and
7 procedures established, the Director of Corrections must give
8 notice to the county board and the sheriff of such
9 noncompliance, specifying the particular standards and
10 procedures that have not been met by the jail or juvenile
11 detention facility. If the jail or juvenile detention
12 facility is not in compliance with the standards and
13 procedures when 6 months have elapsed from the giving of such
14 notice, the Director of Corrections may petition the
15 appropriate court for an order requiring the jail or juvenile
16 detention facility to comply with the standards and
17 procedures established by the Department or for other
18 appropriate relief.

19 (Source: P.A. 92-469, eff. 1-1-02.)

20 Section 15. The Mental Health and Developmental
21 Disabilities Confidentiality Act is amended by changing
22 Section 9.2 as follows:

23 (740 ILCS 110/9.2)

24 Sec. 9.2. Interagency disclosure of recipient
25 information. For the purposes of continuity of care, the
26 Department of Human Services (as successor to the Department
27 of Mental Health and Developmental Disabilities), community
28 agencies funded by the Department of Human Services in that
29 capacity, and jails operated by any county of this State may
30 disclose a recipient's record or communications, without
31 consent, to each other, but only for the purpose of
32 admission, treatment, planning, or discharge. Entities shall

1 not redisclose any personally identifiable information,
2 unless necessary for admission, treatment, planning, or
3 discharge of the identified recipient to another setting. No
4 records or communications may be disclosed to a county jail
5 pursuant to this Section unless the Department has entered
6 into a written agreement with the county jail requiring that
7 the county jail adopt written policies and procedures
8 designed to ensure that the records and communications are
9 disclosed only to those persons employed by or under contract
10 to the county jail who are involved in the provision of
11 mental health services to inmates and that the records and
12 communications are protected from further disclosure. The
13 Department of Human Services shall enter into such agreements
14 whenever it receives a written request to do so from any
15 sheriff. The agreements shall provide for the prompt
16 transmission of records to the designated employees or agents
17 of the sheriff as is necessary to ensure the safety of the
18 inmate or others. Mental health records provided by the
19 Department of Human Services or community agencies funded by
20 the Department of Human Services and obtained by the sheriffs
21 shall be used only to determine if the inmate poses a risk to
22 his or her safety or that of others at the jail or to provide
23 treatment to an inmate and may not be redisclosed for any
24 other purpose. Notwithstanding the provisions of this
25 Section, disclosure shall be made to sheriffs or their
26 designees pursuant to Section 3-15-3 of the Unified Code of
27 Corrections if the disclosures are limited to whether the
28 inmate had received mental health services from the
29 Department or community agencies funded by the Department and
30 whether the inmate poses a risk to the safety of the inmate
31 or that of others at the jail.
32 (Source: P.A. 91-536, eff. 1-1-00.)

33 Section 99. Effective date. This Act takes effect on

1 January 1, 2003."