

AN ACT concerning government.

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

Section 5. The Counties Code is amended by changing Sections 3-15003, 3-15003.6, 3-15003.7, 3-15003.8, 3-15003.9, and 3-15003.10 and by adding Sections 3-15003.11 and 3-15003.12 as follows:

(55 ILCS 5/3-15003) (from Ch. 34, par. 3-15003)

Sec. 3-15003. Powers and duties. Under the direction of the Sheriff the Department shall have the powers and duties enumerated as follows:

(a) To operate and have jurisdiction over the county jail, municipal houses of correction within the county and any other penal, corrections or committed person ~~prisoner~~ diagnostic center facility operated by either the county jail or municipal houses of correction.

(b) To have charge of all committed persons ~~prisoners~~ held in any institution, center or other facility in the county over which it has jurisdiction under subsection (a) of this Section, whether they are misdemeanants, felons, persons held for trial, persons held in protective custody, persons held for transfer to other detention facilities or persons held for non-payment of fines, for violations of ordinances or any

other quasi-criminal charges. Nothing in this Division applies to minors subject to proceedings under the Juvenile Court Act of 1987. It may transfer or recommit any committed person ~~prisoner~~ from one institution, center or other such facility to any other institution, center or other facility whenever it determines that such transfer or recommitment would promote the welfare or rehabilitation of the committed person ~~prisoner~~, or that such transfer or recommitment is necessary to relieve overcrowding.

(c) To establish diagnostic, classification and rehabilitation services and programs at the county jail and such other facilities over which it has jurisdiction under subsection (a) of this Section as may be appropriate.

(d) To establish, whenever feasible, separate detention and commitment facilities and utilize the facilities over which it has jurisdiction under subsection (a) of this Section in a manner which provides separate detention and commitment facilities.

(Source: P.A. 86-962.)

(55 ILCS 5/3-15003.6)

Sec. 3-15003.6. Pregnant committed persons ~~female prisoners~~.

(a) Definitions. For the purpose of this Section and the Sections preceding Section 3-15004 ~~Sections 3-15003.7, 3-15003.8, 3-15003.9, and 3-15003.10:~~

(1) "Restraints" means any physical restraint or mechanical device used to control the movement of a ~~prisoner's~~ body or limbs, or both, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security (tether) chain, or a convex shield, or shackles of any kind.

(2) "Labor" means the period of time before a birth and shall include any medical condition in which an individual ~~a woman~~ is sent or brought to the hospital for the purpose of delivering a ~~her~~ baby. These situations include: induction of labor, prodromal labor, pre-term labor, prelabor rupture of membranes, the 3 stages of active labor, uterine hemorrhage during the third trimester of pregnancy, and caesarian delivery including pre-operative preparation.

(3) "Postpartum" means the 6-week period following birth unless determined to be a longer period by a physician, advanced practice registered nurse, physician assistant, or other qualified medical professional.  
~~"Post partum" means, as determined by her physician, advanced practice registered nurse, or physician assistant, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth.~~

(4) "Correctional institution" means any entity under

the authority of a county law enforcement division ~~of a county of more than 3,000,000 inhabitants~~ that has the power to detain or restrain, or both, a person under the laws of the State.

(5) "Corrections official" means the official that is responsible for oversight of a correctional institution, or his or her designee.

(6) "Committed person" ~~"Prisoner"~~ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program, and any person detained under the immigration laws of the United States at any correctional facility.

(7) "Extraordinary circumstance" means an extraordinary medical or security circumstance, including a substantial flight risk, that dictates restraints be used to ensure the safety and security of the committed person ~~prisoner~~, the staff of the correctional institution or medical facility, other committed persons ~~prisoners~~, or the public.

(8) "Participant" means an individual placed into an electronic monitoring program, as defined by Section 5-8A-2 of the Unified Code of Corrections.

(b) A county department of corrections shall not apply

security restraints to a committed person ~~prisoner~~ that has been determined by a qualified medical professional to be pregnant or otherwise ~~and~~ is known by the county department of corrections to be pregnant or in postpartum recovery, ~~which is the entire period a woman is in the medical facility after birth,~~ unless the corrections official makes an individualized determination that the committed person ~~prisoner~~ presents a substantial flight risk or some other extraordinary circumstance that dictates security restraints be used to ensure the safety and security of the committed person ~~prisoner~~, committed person's ~~her~~ child or unborn child, the staff of the county department of corrections or medical facility, other committed persons ~~prisoners~~, or the public. The protections set out in clauses (b) (3) and (b) (4) of this Section shall apply to security restraints used pursuant to this subsection. The corrections official shall immediately remove all restraints upon the written or oral request of medical personnel. The corrections official shall immediately remove all approved electronic monitoring devices, as that term is defined in Section 5-8A-2 of the Unified Code of Corrections, of a pregnant participant during labor and delivery or earlier upon the written or oral request of medical personnel. Oral requests made by medical personnel shall be verified in writing as promptly as reasonably possible.

- (1) Qualified authorized health staff shall have the

authority to order therapeutic restraints for a pregnant or postpartum committed person ~~prisoner~~ who is a danger to the committed person, the committed person's ~~herself, her~~ child, unborn child, or other persons due to a psychiatric or medical disorder. Therapeutic restraints may only be initiated, monitored and discontinued by qualified and authorized health staff and used to safely limit a committed person's ~~prisoner's~~ mobility for psychiatric or medical reasons. No order for therapeutic restraints shall be written unless medical or mental health personnel, after personally observing and examining the committed person ~~prisoner~~, are clinically satisfied that the use of therapeutic restraints is justified and permitted in accordance with hospital policies and applicable State law. Metal handcuffs or shackles are not considered therapeutic restraints.

(2) Whenever therapeutic restraints are used by medical personnel, Section 2-108 of the Mental Health and Developmental Disabilities Code shall apply.

(3) Leg irons, shackles or waist shackles shall not be used on any pregnant or postpartum committed person ~~prisoner~~ regardless of security classification. Except for therapeutic restraints under clause (b) (2), no restraints of any kind may be applied to committed persons ~~prisoners~~ during labor.

(4) When a pregnant or postpartum committed person

~~prisoner~~ must be restrained, restraints used shall be the least restrictive restraints possible to ensure the safety and security of the committed person ~~prisoner~~, the committed person's ~~her~~ child, unborn child, the staff of the county department of corrections or medical facility, other committed persons ~~prisoners~~, or the public, and in no case shall include leg irons, shackles or waist shackles.

(5) Upon the pregnant committed person's ~~prisoner's~~ entry into a hospital room, and completion of initial room inspection, a corrections official shall be posted immediately outside the hospital room, unless requested to be in the room by medical personnel attending to the committed person's ~~prisoner's~~ medical needs.

(6) The county department of corrections shall provide adequate corrections personnel to monitor the pregnant committed person ~~prisoner~~ during the committed person's ~~her~~ transport to and from the hospital and during the committed person's ~~her~~ stay at the hospital.

(7) Where the county department of corrections requires committed person ~~prisoner~~ safety assessments, a corrections official may enter the hospital room to conduct periodic committed person ~~prisoner~~ safety assessments, except during a medical examination or the delivery process.

(8) (Blank). ~~Upon discharge from a medical facility,~~

~~postpartum prisoners shall be restrained only with handcuffs in front of the body during transport to the county department of corrections. A corrections official shall immediately remove all security restraints upon written or oral request by medical personnel. Oral requests made by medical personnel shall be verified in writing as promptly as reasonably possible.~~

(c) Enforcement. No later than 30 days before the end of each fiscal year, the county sheriff or corrections official of the correctional institution where a pregnant or postpartum committed person ~~prisoner~~ has been restrained pursuant to this Section during that previous fiscal year, shall submit a written report to the Jail and Detention Standards Unit of the Department of Corrections, in a form and manner prescribed by the Department, Illinois General Assembly and the Office of the Governor that includes an account of every instance of ~~prisoner~~ restraint pursuant to this Section. The written report shall state the date, time, location and rationale for each instance in which restraints are used. The written report shall not contain any individually identifying information of any committed person ~~prisoner~~. Such reports shall be made available for public inspection.

(d) Data reporting. No later than 30 days before the end of each fiscal year, each county sheriff shall submit a written report to the Jail and Detention Standards Unit of the Department of Corrections, in a form and manner prescribed by



the Department, that includes the number of pregnant committed persons in custody each year and the number of people who deliver or miscarry while in custody. The written reports shall not contain any individually identifying information of a committed person. The written reports shall be made available for public inspection.

(Source: P.A. 100-513, eff. 1-1-18; 101-652, eff. 7-1-21.)

(55 ILCS 5/3-15003.7)

Sec. 3-15003.7. Corrections official training related to pregnant committed persons ~~prisoners~~.

(a) A county department of corrections shall provide training relating to medical and mental health care issues applicable to pregnant committed persons ~~prisoners~~ to:

(1) each corrections official employed by a county department at a correctional institution in which female committed persons ~~prisoners~~ are confined; and

(2) any other county department of corrections employee whose duties involve contact with pregnant committed persons ~~prisoners~~.

(b) The training must include information regarding:

(1) appropriate care for pregnant committed persons ~~prisoners~~; and

(2) the impact on a pregnant committed person ~~prisoner~~ and the committed person's ~~prisoner's~~ unborn child of:

(A) the use of restraints;

(B) placement in administrative segregation; and

(C) invasive searches.

(Source: P.A. 101-652, eff. 7-1-21.)

(55 ILCS 5/3-15003.8)

Sec. 3-15003.8. Educational programming and information for pregnant committed persons ~~prisoners~~.

(a) The Illinois Department of Public Health shall provide the county department of corrections with educational programming relating to pregnancy and parenting and the county department of corrections shall provide the programming to pregnant committed persons ~~prisoners~~. The programming must include instruction regarding:

- (1) appropriate prenatal care and hygiene;
- (2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;
- (3) parenting skills; and
- (4) medical and mental health issues applicable to children.

(b) Each county department of corrections shall provide written informational materials concerning the laws pertaining to pregnant committed persons to any pregnant or postpartum individual. The Department of Public Health shall provide these informational materials to the warden of the county department of corrections at no cost to the county and the county may accept informational materials from community-based

organizations specializing in the rights of pregnant committed persons. The informational materials must include information regarding:

(1) the prohibition against the use of restraints;

(2) rules concerning the treatment of pregnant committed persons, including those relating to bed height and supplemental nutrition;

(3) the right to spend time with a child following delivery;

(4) the requirement to provide educational programming;

(5) all rights under the Reproductive Health Act;

(6) the procedure for obtaining an abortion, if so desired;

(7) the procedure for obtaining information about guardianship or adoption resources, if so desired;

(8) any new or additional laws concerning the rights of pregnant committed persons; and

(9) the address or contact information for community organizations specializing in the rights of pregnant committed persons for questions or concerns.

(c) Each county department of corrections must also post informational flyers provided by the Department of Public Health wherever pregnant committed persons may be housed.

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

(55 ILCS 5/3-15003.9)

Sec. 3-15003.9. Committed person postpartum ~~Prisoner post-partum~~ recovery requirements. A county department of corrections shall ensure that, for a period of 72 hours after the birth of an infant by a committed person ~~prisoner~~:

(1) the infant is allowed to remain with the committed person ~~prisoner~~, unless a medical professional determines doing so would pose a health or safety risk to the committed person ~~prisoner~~ or infant; and

(2) the committed person ~~prisoner~~ has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.

(Source: P.A. 101-652, eff. 7-1-21.)

(55 ILCS 5/3-15003.10)

Sec. 3-15003.10. Housing requirements applicable to pregnant committed persons ~~prisoners~~.

(a) A county department of corrections may not place in administrative segregation a committed person ~~prisoner~~ who is pregnant or who gave birth during the preceding 30 days unless the director of the county department of corrections or the director's designee determines that the placement is necessary based on a reasonable belief that the committed person ~~prisoner~~ will harm herself, the committed person's ~~prisoner's~~ infant, or any other person or will attempt escape.

(b) A county department of corrections may not assign a

pregnant committed person ~~prisoner~~ to any bed that is elevated more than 3 feet above the floor.

(Source: P.A. 101-652, eff. 7-1-21.)

(55 ILCS 5/3-15003.11 new)

Sec. 3-15003.11. Supplemental nutrition during pregnancy or lactation. A committed person who is pregnant or lactating, including a committed person who is nursing a baby or pumping breastmilk, shall be provided supplemental nutrition of at least 300 calories per day. This supplemental nutrition shall be in addition to any regularly provided food and shall be available outside of regular mealtimes.

(55 ILCS 5/3-15003.12 new)

Sec. 3-15003.12. Medical screening; pregnancy test. When a person with a uterus is committed to a facility, the person shall within 14 days be given a medical screening and offered a pregnancy test.

Section 10. The Health Care Violence Prevention Act is amended by changing Section 30 as follows:

(210 ILCS 160/30)

Sec. 30. Medical care for committed persons.

(a) If a committed person receives medical care and treatment at a place other than an institution or facility of

the Department of Corrections, a county, or a municipality, then the institution or facility shall:

(1) to the greatest extent practicable, notify the hospital or medical facility that is treating the committed person prior to the committed person's visit and notify the hospital or medical facility of any significant medical, mental health, recent violent actions, or other safety concerns regarding the patient;

(2) to the greatest extent practicable, ensure the transferred committed person is accompanied by the most comprehensive medical records possible;

(3) provide at least one guard trained in custodial escort and custody of high-risk committed persons to accompany any committed person. The custodial agency shall attest to such training for custodial escort and custody of high-risk committed persons through: (A) the training of the Department of Corrections, Department of Juvenile Justice, or Illinois State Police; (B) law enforcement training that is substantially equivalent to the training of the Department of Corrections, Department of Juvenile Justice, or Illinois State Police; or (C) the training described in Section 35. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant committed person ~~female prisoner~~ who is in labor. In addition, restraint of a pregnant committed person ~~female prisoner in the custody of the Cook County~~ shall

comply with Section 3-15003.6 of the Counties Code. Additionally, restraints shall not be used on a committed person if medical personnel determine that the restraints would impede medical treatment; and

(4) ensure that only medical personnel, Department of Corrections, county, or municipality personnel, and visitors on the committed person's approved institutional visitors list may visit the committed person. Visitation by a person on the committed person's approved institutional visitors list shall be subject to the rules and procedures of the hospital or medical facility and the Department of Corrections, county, or municipality. In any situation in which a committed person is being visited:

(A) the name of the visitor must be listed per the facility's or institution's documentation;

(B) the visitor shall submit to the search of his or her person or any personal property under his or her control at any time; and

(C) the custodial agency may deny the committed person access to a telephone or limit the number of visitors the committed person may receive for purposes of safety.

If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Corrections, county, or municipality, then the custodial agency shall ensure that the committed person is

wearing security restraints in accordance with the custodial agency's rules and procedures if the custodial agency determines that restraints are necessary for the following reasons: (i) to prevent physical harm to the committed person or another person; (ii) because the committed person has a history of disruptive behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or (iii) there is a well-founded belief that the committed person presents a substantial risk of flight. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant committed person ~~female prisoner~~ who is in labor. In addition, restraint of a pregnant committed person ~~female prisoner in the custody of the Cook County~~ shall comply with Section 3-15003.6 of the Counties Code.

The hospital or medical facility may establish protocols for the receipt of committed persons in collaboration with the Department of Corrections, county, or municipality, specifically with regard to potentially violent persons.

(b) If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Juvenile Justice, then the institution or facility shall:

(1) to the greatest extent practicable, notify the hospital or medical facility that is treating the



committed person prior to the committed person's visit, and notify the hospital or medical facility of any significant medical, mental health, recent violent actions, or other safety concerns regarding the patient;

(2) to the greatest extent practicable, ensure the transferred committed person is accompanied by the most comprehensive medical records possible;

(3) provide: (A) at least one guard trained in custodial escort and custody of high-risk committed persons to accompany any committed person. The custodial agency shall attest to such training for custodial escort and custody of high-risk committed persons through: (i) the training of the Department of Corrections, Department of Juvenile Justice, or Illinois State Police, (ii) law enforcement training that is substantially equivalent to the training of the Department of Corrections, Department of Juvenile Justice, or Illinois State Police, or (iii) the training described in Section 35; or (B) 2 guards to accompany the committed person at all times during the visit to the hospital or medical facility; and

(4) ensure that only medical personnel, Department of Juvenile Justice personnel, and visitors on the committed person's approved institutional visitors list may visit the committed person. Visitation by a person on the committed person's approved institutional visitors list shall be subject to the rules and procedures of the

hospital or medical facility and the Department of Juvenile Justice. In any situation in which a committed person is being visited:

(A) the name of the visitor must be listed per the facility's or institution's documentation;

(B) the visitor shall submit to the search of his or her person or any personal property under his or her control at any time; and

(C) the custodial agency may deny the committed person access to a telephone or limit the number of visitors the committed person may receive for purposes of safety.

If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Juvenile Justice, then the Department of Juvenile Justice shall ensure that the committed person is wearing security restraints on either his or her wrists or ankles in accordance with the rules and procedures of the Department of Juvenile Justice if the Department of Juvenile Justice determines that restraints are necessary for the following reasons: (i) to prevent physical harm to the committed person or another person; (ii) because the committed person has a history of disruptive behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or (iii)

there is a well-founded belief that the committed person presents a substantial risk of flight. Any restraints used on a committed person under this paragraph shall be the least restrictive restraints necessary to prevent flight or physical harm to the committed person or another person. Restraints shall not be used on the committed person as provided in this paragraph if medical personnel determine that the restraints would impede medical treatment. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant committed person ~~female prisoner~~ who is in labor. In addition, restraint of a pregnant committed person ~~female prisoner in the custody of the Cook County~~ shall comply with Section 3-15003.6 of the Counties Code.

The hospital or medical facility may establish protocols for the receipt of committed persons in collaboration with the Department of Juvenile Justice, specifically with regard to persons recently exhibiting violence.

(Source: P.A. 102-538, eff. 8-20-21.)

Section 15. The Unified Code of Corrections is amended by changing Sections 3-6-7, 3-6-7.2, 3-6-7.3, and 5-8A-4 and by adding Sections 3-6-0.5, 3-6-7.5, and 3-6-7.6 as follows:

(730 ILCS 5/3-6-0.5 new)

Sec. 3-6-0.5. Definitions. As used in this Section and Sections 3-6-7, 3-6-7.2, 3-6-7.3, and 3-6-7.4:

"Extraordinary circumstance" means an extraordinary medical or security circumstance, including a substantial flight risk, that dictates restraints be used to ensure the safety and security of the committed person, the staff of the correctional institution or medical facility, other committed persons, or the public.

"Labor" means the period of time before a birth and shall include any medical condition in which an individual is sent or brought to the hospital for the purpose of delivering a baby. These situations include: induction of labor, prodromal labor, pre-term labor, prelabor rupture of membranes, the 3 stages of active labor, uterine hemorrhage during the third trimester of pregnancy, and caesarian delivery, including pre-operative preparation.

"Postpartum" means the 6-week period following birth unless determined to be a longer period by a physician, advanced practice registered nurse, physician assistant, or other qualified medical professional.

"Restraints" means any physical restraint or mechanical device used to control the movement of a committed person's body or limbs, or both, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security (tether) chain, or a convex shield, or shackles of any kind.

Sec. 3-6-7. Pregnant ~~female~~ committed persons.

(a) The Department shall not apply security restraints to a committed person that has been determined by a qualified medical professional to be pregnant or otherwise is known by the Department to be pregnant or in postpartum recovery, unless the correctional official makes an individualized determination that the committed person presents a substantial flight risk or some other extraordinary circumstance that dictates security restraints be used to ensure the safety and security of the committed person, the committed person's child or unborn child, the staff of the Department or medical facility, other committed persons, or the public. The protections set out in paragraphs (3) and (4) of this Section shall apply to security restraints used as provided in this subsection. The correctional officer employed by the Department shall immediately remove all restraints and approved electronic monitoring devices, as that term is defined in Section 5-8A-2 of the Unified Code of Corrections, upon the written or oral request of medical personnel. Oral requests made by medical personnel shall be verified in writing as promptly as reasonably possible.

(1) Qualified authorized health staff shall have the authority to order therapeutic restraints for a pregnant or postpartum committed person who is a danger to the committed person, the committed person's child, unborn child, or other persons due to a psychiatric or medical

disorder. Therapeutic restraints may only be initiated, monitored, and discontinued by qualified and authorized health staff and used to safely limit a committed person's mobility for psychiatric or medical reasons. No order for therapeutic restraints shall be written unless medical or mental health personnel, after personally observing and examining the committed person, are clinically satisfied that the use of therapeutic restraints is justified and permitted in accordance with hospital policies and applicable State law. Metal handcuffs or shackles are not considered therapeutic restraints.

(2) Whenever therapeutic restraints are used by medical personnel, Section 2-108 of the Mental Health and Developmental Disabilities Code shall apply.

(3) Leg irons, shackles or waist shackles shall not be used on any pregnant or postpartum committed person regardless of security classification. Except for therapeutic restraints under paragraph (2) of subsection (b), no restraints of any kind may be applied to committed persons during labor.

(4) When a pregnant or postpartum committed person must be restrained, restraints used shall be the least restrictive restraints possible to ensure the safety and security of the committed person, the committed person's child, unborn child, the staff of the Department or medical facility, other committed persons, or the public,

and in no case shall include leg irons, shackles, or waist shackles.

(5) Upon the pregnant committed person's entry into a hospital room, and completion of initial room inspection, a correctional officer shall be posted immediately outside the hospital room unless requested to be in the room by medical personnel attending to the committed person's medical needs.

(6) The Department shall provide adequate corrections personnel to monitor the pregnant committed person during the committed person's transport to and from the hospital and during the committed person's stay at the hospital.

(7) Where the correctional institution or facility requires committed person safety assessments, a correctional official may enter the hospital room to conduct periodic committed person safety assessments, except during a medical examination or the delivery process.

(b) No later than 30 days before the end of each fiscal year, the Department shall submit a written report to the Illinois General Assembly and the Office of the Governor that includes an account of every instance where a pregnant or postpartum committed person had restraints used pursuant to this Section during the previous fiscal year. The written report shall state the date, time, location, and rationale for each instance in which restraints are used. The written report

shall include information provided to the Jail and Detention Standards Unit by each county department of corrections and county jail. The Department's written report shall also include information on county department of corrections and county jails that did not report as required. The written report shall not contain any individually identifying information of any committed person. The report shall be made available for public inspection.

(c) No later than 30 days before the end of each fiscal year, the Department shall submit a written report to the Illinois General Assembly and the Office of the Governor that includes the number of pregnant committed persons in custody each year and the number of people who deliver or miscarry while in custody. The written report shall include information provided to the Jail and Detention Standards Unit by each county department of corrections and county jail. The Department's written report shall also include information on county department of corrections and county jails that did not report as required. The written report shall not contain any individually identifying information of a committed person. The written report shall be made available for public inspection ~~Notwithstanding any other statute, directive, or administrative regulation, when a pregnant female committed person is brought to a hospital from an Illinois correctional center for the purpose of delivering her baby, no handcuffs, shackles, or restraints of any kind may be used during her~~



~~transport to a medical facility for the purpose of delivering her baby. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant female committed person who is in labor. Upon the pregnant female committed person's entry to the hospital delivery room, a correctional officer must be posted immediately outside the delivery room. The Department must provide for adequate personnel to monitor the pregnant female committed person during her transport to and from the hospital and during her stay at the hospital.~~

(Source: P.A. 91-253, eff. 1-1-00.)

(730 ILCS 5/3-6-7.2)

Sec. 3-6-7.2. Educational programming and information for pregnant committed persons.

(a) The Department shall develop and provide to each pregnant committed person educational programming relating to pregnancy and parenting. The programming must include instruction regarding:

- (1) appropriate prenatal care and hygiene;
- (2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;
- (3) parenting skills; and
- (4) medical and mental health issues applicable to children.

(b) The Department shall provide informational materials concerning the laws pertaining to pregnant committed persons

to any pregnant or postpartum individual. The Department of Public Health and community-based organizations specializing in the rights of pregnant committed persons shall provide these informational materials to the warden at no cost to the Department of Corrections or the Department of Juvenile Justice. The informational materials must include information regarding:

(1) the prohibition against the use of restraints;

(2) rules concerning the treatment of pregnant committed persons, including those relating to bed height and supplemental nutrition;

(3) the right to spend time with a child following delivery;

(4) the requirement to provide educational programming;

(5) all rights under the Reproductive Health Act;

(6) the procedure for obtaining an abortion, if so desired;

(7) the procedure for obtaining information about guardianship or adoption resources, if so desired;

(8) any new or additional laws concerning the rights of pregnant committed persons; and

(9) the address or contact information for community organizations specializing in the rights of pregnant committed persons for questions or concerns.

(c) The Department must also post informational flyers

provided by the Department of Public Health wherever pregnant committed persons may be housed.

(Source: P.A. 101-652, eff. 7-1-21; 102-813, eff. 5-13-22.)

(730 ILCS 5/3-6-7.3)

Sec. 3-6-7.3. Committed person postpartum ~~post partum~~ recovery requirements. The Department shall ensure that, for a period of 72 hours after the birth of an infant by a committed person:

(1) the infant is allowed to remain with the committed person, unless a medical professional determines doing so would pose a health or safety risk to the committed person or infant based on information only available to the Department. The mental health professional shall make any such determination on an individualized basis and in consultation with the birthing team of the pregnant person and the Chief of the Women's Division. The birthing team shall include the committed person's perinatal care providers and doula, if available; and

(2) the committed person has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.

(Source: P.A. 102-28, eff. 6-25-21; 103-154, eff. 6-30-23.)

(730 ILCS 5/3-6-7.5 new)

Sec. 3-6-7.5. Supplemental nutrition during pregnancy or

lactation. A committed person who is pregnant or lactating, including a committed person who is nursing a baby or pumping breastmilk, shall be provided supplemental nutrition of at least 300 calories per day. This supplemental nutrition shall be in addition to any regularly provided food and shall be available outside of regular mealtimes.

(730 ILCS 5/3-6-7.6 new)

Sec. 3-6-7.6. Medical screening; pregnancy test. When a person with a uterus is committed to a facility, the person shall within 14 days be given a medical screening and offered a pregnancy test.

(730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

Sec. 5-8A-4. Program description. The supervising authority may promulgate rules that prescribe reasonable guidelines under which an electronic monitoring and home detention program shall operate. When using electronic monitoring for home detention these rules may include, but not be limited to, the following:

(A) The participant may be instructed to remain within the interior premises or within the property boundaries of his or her residence at all times during the hours designated by the supervising authority. Such instances of approved absences from the home shall include, but are not limited to, the following:

(1) working or employment approved by the court or traveling to or from approved employment;

(2) unemployed and seeking employment approved for the participant by the court;

(3) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the court;

(4) attending an educational institution or a program approved for the participant by the court;

(5) attending a regularly scheduled religious service at a place of worship;

(6) participating in community work release or community service programs approved for the participant by the supervising authority;

(7) for another compelling reason consistent with the public interest, as approved by the supervising authority; or

(8) purchasing groceries, food, or other basic necessities.

(A-1) At a minimum, any person ordered to pretrial home confinement with or without electronic monitoring must be provided with movement spread out over no fewer than two days per week, to participate in basic activities such as those listed in paragraph (A). In this subdivision (A-1), "days" means a reasonable time period during a calendar day, as outlined by the court in the order

placing the person on home confinement.

(B) The participant shall admit any person or agent designated by the supervising authority into his or her residence at any time for purposes of verifying the participant's compliance with the conditions of his or her detention.

(C) The participant shall make the necessary arrangements to allow for any person or agent designated by the supervising authority to visit the participant's place of education or employment at any time, based upon the approval of the educational institution employer or both, for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(D) The participant shall acknowledge and participate with the approved electronic monitoring device as designated by the supervising authority at any time for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(E) The participant shall maintain the following:

(1) access to a working telephone;

(2) a monitoring device in the participant's home, or on the participant's person, or both; and

(3) a monitoring device in the participant's home and on the participant's person in the absence of a telephone.

(F) The participant shall obtain approval from the

supervising authority before the participant changes residence or the schedule described in subsection (A) of this Section. Such approval shall not be unreasonably withheld.

(G) The participant shall not commit another crime during the period of home detention ordered by the Court.

(H) Notice to the participant that violation of the order for home detention may subject the participant to prosecution for the crime of escape as described in Section 5-8A-4.1.

(I) The participant shall abide by other conditions as set by the supervising authority.

The supervising authority shall adopt rules to immediately remove all approved electronic monitoring devices of a pregnant participant during labor and delivery.

~~(J)~~ This Section takes effect January 1, 2022.

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)

Section 20. The County Jail Act is amended by changing Sections 2, 2.1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 19, 19.5, 20, and 21 and by adding Sections 10.5 and 17.11 as follows:

(730 ILCS 125/2) (from Ch. 75, par. 102)

Sec. 2. The Sheriff of each county in this State shall be

the warden of the jail of the county, and have the custody of all committed persons ~~prisoners~~ in the jail, except when otherwise provided in the "County Department of Corrections Act".

(Source: P.A. 83-1073.)

(730 ILCS 125/2.1) (from Ch. 75, par. 102.1)

Sec. 2.1. New jail. The sheriff of each county in this State shall be the warden of any new jail facility constructed or otherwise acquired in the county and shall have the custody of all committed persons ~~prisoners~~ in that facility, except when otherwise provided in Division 3-15 of the Counties Code.

(Source: P.A. 87-645.)

(730 ILCS 125/4) (from Ch. 75, par. 104)

Sec. 4. The Warden of the jail shall receive and confine in such jail, until discharged by due course of law, all persons committed to such jail by any competent authority.

When there is no county jail facility operating in a county, arresting agencies shall be responsible for delivering persons arrested to an adjoining county jail facility, if the adjoining county has entered into a written agreement with the committing county allowing for the maintenance of committed persons ~~prisoners~~ in the adjoining county.

(Source: P.A. 86-570.)



(730 ILCS 125/5) (from Ch. 75, par. 105)

Sec. 5. Costs of maintaining committed persons ~~prisoners~~.

(a) Except as provided in subsections (b) and (c), all costs of maintaining persons committed for violations of Illinois law, shall be the responsibility of the county. Except as provided in subsection (b), all costs of maintaining persons committed under any ordinance or resolution of a unit of local government, including medical costs, is the responsibility of the unit of local government enacting the ordinance or resolution, and arresting the person.

(b) If a person who is serving a term of mandatory supervised release for a felony is incarcerated in a county jail, the Illinois Department of Corrections shall pay the county in which that jail is located one-half of the cost of incarceration, as calculated by the Governor's Office of Management and Budget and the county's chief financial officer, for each day that the person remains in the county jail after notice of the incarceration is given to the Illinois Department of Corrections by the county, provided that (i) the Illinois Department of Corrections has issued a warrant for an alleged violation of mandatory supervised release by the person; (ii) if the person is incarcerated on a new charge, unrelated to the offense for which he or she is on mandatory supervised release, there has been a court hearing at which the conditions of pretrial release have been set on the new charge; (iii) the county has notified the Illinois

Department of Corrections that the person is incarcerated in the county jail, which notice shall not be given until the hearing has concluded, if the person is incarcerated on a new charge; and (iv) the person remains incarcerated in the county jail for more than 48 hours after the notice has been given to the Department of Corrections by the county. Calculation of the per diem cost shall be agreed upon prior to the passage of the annual State budget.

(c) If a person who is serving a term of mandatory supervised release is incarcerated in a county jail, following an arrest on a warrant issued by the Illinois Department of Corrections, solely for violation of a condition of mandatory supervised release and not on any new charges for a new offense, then the Illinois Department of Corrections shall pay the medical costs incurred by the county in securing treatment for that person, for any injury or condition other than one arising out of or in conjunction with the arrest of the person or resulting from the conduct of county personnel, while he or she remains in the county jail on the warrant issued by the Illinois Department of Corrections.

(Source: P.A. 101-652, eff. 1-1-23.)

(730 ILCS 125/7) (from Ch. 75, par. 107)

Sec. 7. On the first day of each month, the warden of the jail of the county shall prepare a list of all committed persons ~~prisoners~~ in his custody, specifying the causes for

which and the persons by whom they were committed, and make available to the court his calendar of committed persons ~~prisoners~~.

(Source: P.A. 83-1073.)

(730 ILCS 125/9) (from Ch. 75, par. 109)

Sec. 9. When there is no jail or other penal institution in a county, or the jail or other penal institution of the county is insufficient, the sheriff may commit any person in his custody, either on civil or criminal process, to the nearest sufficient jail of another county, and the warden of the jail of such county shall receive and confine such committed person ~~prisoner~~, until removed by order of the court having jurisdiction of the offense, or discharged by due course of law.

(Source: P.A. 83-1073.)

(730 ILCS 125/10) (from Ch. 75, par. 110)

Sec. 10. Whenever a committed person ~~prisoner~~ is committed to the jail of one county for a criminal offense committed or charged to have been committed in another, or is transferred to another county for safe keeping or trial, the county in which the crime was committed, or charged to have been committed, shall pay the expenses of the keeping of such committed person ~~prisoner~~. In civil suits, the plaintiff or defendant shall pay the expenses, in the same manner as if the

imprisonment had taken place in the same county where the suit was commenced.

(Source: P.A. 83-1073.)

(730 ILCS 125/10.5 new)

Sec. 10.5. Medical screening; pregnancy test. When a person with a uterus is committed to a facility, the person shall within 14 days be given a medical screening and offered a pregnancy test.

(730 ILCS 125/11) (from Ch. 75, par. 111)

Sec. 11. Debtors and witnesses shall not be confined in the same room with other committed persons ~~prisoners~~; male and female committed persons ~~prisoners~~ shall not be kept in the same room; minors shall be kept separate from those previously convicted of a felony or other infamous crime; and persons charged with an offense shall not be confined in the same cell as those convicted of a crime. The confinement of those persons convicted of a misdemeanor or felony shall be in accordance with a classification system developed and implemented by the local jail authority.

(Source: P.A. 87-899.)

(730 ILCS 125/12) (from Ch. 75, par. 112)

Sec. 12. Whenever the Warden of the jail of any county deems such jail insufficient to secure the committed persons

~~prisoners~~ confined therein, he shall give notice thereof to the county board.

(Source: P.A. 83-1073.)

(730 ILCS 125/13) (from Ch. 75, par. 113)

Sec. 13. Whenever the Warden of any jail shall have in his custody any person charged with a high crime, and there is no jail in his county, or the jail is insufficient, he may, with the advice of the judge of the circuit court of such county, employ a sufficient guard, not exceeding 3 persons, for the guarding and safe keeping of such committed person ~~prisoner~~ in his own county. The expense of such guard shall be audited and paid as other county expenses.

(Source: P.A. 103-51, eff. 1-1-24.)

(730 ILCS 125/14) (from Ch. 75, par. 114)

Sec. 14. At any time, in the opinion of the Warden, the lives or health of the committed persons ~~prisoners~~ are endangered or the security of the penal institution is threatened, to such a degree as to render their removal necessary, the Warden may cause an individual committed person ~~prisoner~~ or a group of committed persons ~~prisoners~~ to be removed to some suitable place within the county, or to the jail of some convenient county, where they may be confined until they can be safely returned to the place whence they were removed. No committed person ~~prisoner~~ charged with a felony

shall be removed by the warden to a Mental Health or Developmental Disabilities facility as defined in the Mental Health and Developmental Disabilities Code, except as specifically authorized by Article 104 or 115 of the Code of Criminal Procedure of 1963, or the Mental Health and Developmental Disabilities Code. Any place to which the committed persons ~~prisoners~~ are so removed shall, during their imprisonment there, be deemed, as to such committed persons ~~prisoners~~, a prison of the county in which they were originally confined; but, they shall be under the care, government and direction of the Warden of the jail of the county in which they are confined. When any criminal detainee is transferred to the custody of the Department of Human Services, the warden shall supply the Department of Human Services with all of the legally available information as described in 20 Ill. Adm. Code 701.60(f). When a criminal detainee is delivered to the custody of the Department, the following information must be included with the items delivered:

- (1) the sentence imposed;
- (2) any findings of great bodily harm made by the court;
- (3) any statement by the court on the basis for imposing the sentence;
- (4) any presentence reports;
- (5) any sex offender evaluations;

(6) any substance abuse treatment eligibility screening and assessment of the criminal detainee by an agent designated by the State to provide assessments for Illinois courts;

(7) the number of days, if any, which the criminal detainee has been in custody and for which he or she is entitled to credit against the sentence. Certification of jail credit time shall include any time served in the custody of the Illinois Department of Human Services-Division of Mental Health or Division of Developmental Disabilities, time served in another state or federal jurisdiction, and any time served while on probation or periodic imprisonment;

(8) State's Attorney's statement of facts, including the facts and circumstances of the offenses for which the criminal detainee was committed, any other factual information accessible to the State's Attorney prior to the commitment to the Department relative to the criminal detainee's habits, associates, disposition, and reputation or other information that may aid the Department during the custody of the criminal detainee. If the statement is unavailable at the time of delivery, the statement must be transmitted within 10 days after receipt by the clerk of the court;

(9) any medical or mental health records or summaries;

(10) any victim impact statements;

(11) name of municipalities where the arrest of the criminal detainee and the commission of the offense occurred, if the municipality has a population of more than 25,000 persons;

(12) all additional matters that the court directs the clerk to transmit;

(13) a record of the criminal detainee's time and his or her behavior and conduct while in the custody of the county. Any action on the part of the criminal detainee that might affect his or her security status with the Department, including, but not limited to, an escape attempt, participation in a riot, or a suicide attempt should be included in the record; and

(14) the mittimus or sentence (judgment) order that provides the following information:

(A) the criminal case number, names and citations of the offenses, judge's name, date of sentence, and, if applicable, whether the sentences are to be served concurrently or consecutively;

(B) the number of days spent in custody; and

(C) if applicable, the calculation of pre-trial program sentence credit awarded by the court to the criminal detainee, including, at a minimum, identification of the type of pre-trial program the criminal detainee participated in and the number of eligible days the court finds the criminal detainee



spent in the pre-trial program multiplied by the calculation factor of 0.5 for the total court-awarded credit.

(Source: P.A. 99-215, eff. 7-31-15.)

(730 ILCS 125/15) (from Ch. 75, par. 115)

Sec. 15. The Warden of the jail shall furnish each committed person ~~prisoner~~ daily with as much clean water as may be necessary for drink and personal cleanliness, and serve him three times a day with wholesome food, well cooked and in sufficient quantity. The Warden of the jail in counties of the first and second class shall procure at the expense of the county, all necessary foods and provisions for the support of the committed persons ~~prisoners~~ confined in the jail, and shall employ suitable persons to prepare and serve the food for the committed persons ~~prisoners~~, or otherwise provide suitable food service.

(Source: P.A. 83-1073.)

(730 ILCS 125/16) (from Ch. 75, par. 116)

Sec. 16. The Warden of the jail or other person shall not permit any committed person ~~prisoner~~ to send for or have any alcoholic beverages or controlled substances except when prescribed by a physician as medicine.

(Source: P.A. 83-1073.)

(730 ILCS 125/17) (from Ch. 75, par. 117)

Sec. 17. Bedding, clothing, fuel, and medical aid; reimbursement for medical expenses. The Warden of the jail shall furnish necessary bedding, clothing, fuel, and medical services for all committed persons ~~prisoners~~ under his charge, and keep an accurate account of the same. When services that result in qualified medical expenses are required by any person held in custody, the county, private hospital, physician or any public agency which provides such services shall be entitled to obtain reimbursement from the county for the cost of such services. The county board of a county may adopt an ordinance or resolution providing for reimbursement for the cost of those services at the Department of Healthcare and Family Services' rates for medical assistance. To the extent that such person is reasonably able to pay for such care, including reimbursement from any insurance program or from other medical benefit programs available to such person, he or she shall reimburse the county or arresting authority. If such person has already been determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is detained, the cost of such services, to the extent such cost exceeds \$500, shall be reimbursed by the Department of Healthcare and Family Services under that Code. A reimbursement under any public or private program authorized by this Section shall be paid to the county or arresting authority to the same extent as would have been obtained had

the services been rendered in a non-custodial environment.

The sheriff or his or her designee may cause an application for medical assistance under the Illinois Public Aid Code to be completed for an arrestee who is a hospital inpatient. If such arrestee is determined eligible, he or she shall receive medical assistance under the Code for hospital inpatient services only. An arresting authority shall be responsible for any qualified medical expenses relating to the arrestee until such time as the arrestee is placed in the custody of the sheriff. However, the arresting authority shall not be so responsible if the arrest was made pursuant to a request by the sheriff. When medical expenses are required by any person held in custody, the county shall be entitled to obtain reimbursement from the County Jail Medical Costs Fund to the extent moneys are available from the Fund. To the extent that the person is reasonably able to pay for that care, including reimbursement from any insurance program or from other medical benefit programs available to the person, he or she shall reimburse the county.

For the purposes of this Section, "arresting authority" means a unit of local government, other than a county, which employs peace officers and whose peace officers have made the arrest of a person. For the purposes of this Section, "qualified medical expenses" include medical and hospital services but do not include (i) expenses incurred for medical care or treatment provided to a person on account of a

self-inflicted injury incurred prior to or in the course of an arrest, (ii) expenses incurred for medical care or treatment provided to a person on account of a health condition of that person which existed prior to the time of his or her arrest, or (iii) expenses for hospital inpatient services for arrestees enrolled for medical assistance under the Illinois Public Aid Code.

(Source: P.A. 100-987, eff. 7-1-19.)

(730 ILCS 125/17.5)

Sec. 17.5. Pregnant committed persons ~~female prisoners~~. Restraint of a pregnant or postpartum committed person shall comply with Section 3-15003.6 of the County Department of Corrections Law ~~Notwithstanding any other statute, directive, or administrative regulation, when a pregnant female prisoner is brought to a hospital from a county jail for the purpose of delivering her baby, no handcuffs, shackles, or restraints of any kind may be used during her transport to a medical facility for the purpose of delivering her baby. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant female prisoner who is in labor. In addition, restraint of a pregnant female prisoner in the custody of the Cook County shall comply with Section 3-15003.6 of the Counties Code. Upon the pregnant female prisoner's entry to the hospital delivery room, 2 county correctional officers must be posted immediately outside the delivery room. The~~

~~Sheriff must provide for adequate personnel to monitor the pregnant female prisoner during her transport to and from the hospital and during her stay at the hospital.~~

(Source: P.A. 100-1051, eff. 1-1-19.)

(730 ILCS 125/17.6)

Sec. 17.6. Sheriff training related to pregnant committed persons ~~prisoners~~.

(a) The sheriff shall provide training relating to medical and mental health care issues applicable to pregnant committed persons ~~prisoners~~ confined in the county jail to:

(1) each correctional officer employed by the sheriff at the county jail in which female committed persons are confined; and

(2) any other sheriff employee whose duties involve contact with pregnant committed persons ~~prisoners~~.

(b) The training must include information regarding:

(1) appropriate care for pregnant committed persons ~~prisoners~~; and

(2) the impact on a pregnant committed person ~~prisoner~~ and the committed person's ~~prisoner's~~ unborn child of:

(A) the use of restraints;

(B) placement in administrative segregation; and

(C) invasive searches.

(Source: P.A. 101-652, eff. 7-1-21.)

(730 ILCS 125/17.7)

Sec. 17.7. Educational programming and information for pregnant committed persons ~~prisoners~~.

(a) The Illinois Department of Public Health shall provide the sheriff with educational programming relating to pregnancy and parenting and the sheriff shall provide the programming to pregnant committed persons ~~prisoners~~. The programming must include instruction regarding:

- (1) appropriate prenatal care and hygiene;
- (2) the effects of prenatal exposure to alcohol and drugs on a developing fetus;
- (3) parenting skills; and
- (4) medical and mental health issues applicable to children.

(b) Each sheriff shall provide informational materials concerning the laws pertaining to pregnant committed persons to any pregnant or postpartum individual. The Department of Public Health shall provide these informational materials to the warden or the sheriff at no cost to the county and the county may accept informational materials from community-based organizations specializing in the rights of pregnant committed persons. The informational materials must include information regarding:

- (1) the prohibition against the use of restraints;
- (2) rules concerning the treatment of pregnant committed persons, including those relating to bed height

and supplemental nutrition;

(3) the right to spend time with a child following delivery;

(4) the requirement to provide educational programming;

(5) all rights under the Reproductive Health Act;

(6) the procedure for obtaining an abortion, if so desired;

(7) the procedure for obtaining information about guardianship or adoption resources, if so desired;

(8) any new or additional laws concerning the rights of pregnant committed persons; and

(9) the address or contact information for community organizations specializing in the rights of pregnant committed persons for questions or concerns.

(c) Each sheriff must also post informational flyers provided by the Department of Public Health wherever pregnant committed persons may be housed.

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

(730 ILCS 125/17.8)

Sec. 17.8. Committed person postpartum ~~Prisoner~~ ~~post-partum~~ recovery requirements. The sheriff shall ensure that, for a period of 72 hours after the birth of an infant by a committed person ~~prisoner~~:

(1) the infant is allowed to remain with the committed

person prisoner, unless a medical professional determines doing so would pose a health or safety risk to the committed person prisoner or infant; and

(2) the committed person prisoner has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.

(Source: P.A. 101-652, eff. 7-1-21.)

(730 ILCS 125/17.9)

Sec. 17.9. Housing requirements applicable to pregnant committed persons prisoners.

(a) The sheriff may not place in administrative segregation a committed person prisoner who is pregnant or who gave birth during the preceding 30 days unless the sheriff or the sheriff's designee determines that the placement is necessary based on a reasonable belief that the committed person prisoner will harm herself, the committed person's prisoner's infant, or any other person or will attempt escape.

(b) The sheriff may not assign a pregnant committed person to any bed that is elevated more than 3 feet above the floor.

(Source: P.A. 101-652, eff. 7-1-21.)

(730 ILCS 125/17.10)

Sec. 17.10. Requirements in connection with HIV/AIDS.

(a) In each county other than Cook, during the medical admissions exam, the warden of the jail, a correctional



officer at the jail, or a member of the jail medical staff must provide the committed person ~~prisoner~~ with appropriate written information concerning human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS). The Department of Public Health and community-based organizations certified to provide HIV/AIDS testing must provide these informational materials to the warden at no cost to the county. The warden, a correctional officer, or a member of the jail medical staff must inform the committed person ~~prisoner~~ of the option of being tested for infection with HIV by a certified local community-based agency or other available medical provider at no charge to the committed person ~~prisoner~~.

(b) In Cook County, during the medical admissions exam, an employee of the Cook County Health & Hospitals System must provide the committed person ~~prisoner~~ with appropriate information in writing, verbally or by video or other electronic means concerning human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) and must also provide the committed person ~~prisoner~~ with option of testing for infection with HIV or any other identified causative agent of AIDS, as well as counseling in connection with such testing. The Cook County Health & Hospitals System may provide the inmate with opt-out human immunodeficiency virus (HIV) testing, as defined in Section 4 of the AIDS Confidentiality Act, unless the inmate refuses. If opt-out HIV testing is conducted, the Cook County Health & Hospitals System shall

place signs in English, Spanish, and other languages as needed in multiple, highly visible locations in the area where HIV testing is conducted informing inmates that they will be tested for HIV unless they refuse, and refusal or acceptance of testing shall be documented in the inmate's medical record. Pre-test information shall be provided to the inmate and informed consent obtained from the inmate as required in subsection (q) of Section 3 and Section 5 of the AIDS Confidentiality Act. The Cook County Health & Hospitals System shall follow procedures established by the Department of Public Health to conduct HIV testing and testing to confirm positive HIV test results. All aspects of HIV testing shall comply with the requirements of the AIDS Confidentiality Act, including delivery of test results, as determined by the Cook County Health & Hospitals System in consultation with the Illinois Department of Public Health. Nothing in this Section shall require the Cook County Health & Hospitals System to offer HIV testing to inmates who are known to be infected with HIV. The Department of Public Health and community-based organizations certified to provide HIV/AIDS testing may provide these informational materials to the Bureau at no cost to the county. The testing provided under this subsection (b) shall consist of a test approved by the Illinois Department of Public Health to determine the presence of HIV infection, based upon recommendations of the United States Centers for Disease Control and Prevention. If the test result is

positive, a reliable supplemental test based upon recommendations of the United States Centers for Disease Control and Prevention shall be administered.

(c) In each county, the warden of the jail must make appropriate written information concerning HIV/AIDS available to every visitor to the jail. This information must include information concerning persons or entities to contact for local counseling and testing. The Department of Public Health and community-based organizations certified to provide HIV/AIDS testing must provide these informational materials to the warden at no cost to the office of the county sheriff.

(d) Implementation of this Section is subject to appropriation.

(Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11; 97-813, eff. 7-13-12; 98-1046, eff. 1-1-15.)

(730 ILCS 125/17.11 new)

Sec. 17.11. Supplemental nutrition during pregnancy or while lactating. A committed person who is pregnant or lactating, including a committed person who is nursing a baby or pumping breastmilk, shall be provided supplemental nutrition of at least 300 calories per day. This supplemental nutrition shall be in addition to any regularly provided food and shall be available outside of regular mealtimes.

(730 ILCS 125/19) (from Ch. 75, par. 119)

Sec. 19. The Warden of the jail shall see that strict attention is constantly paid to the personal cleanliness of all committed persons ~~prisoners~~ confined in the jail.

(Source: P.A. 83-1073.)

(730 ILCS 125/19.5)

Sec. 19.5. Release of committed persons ~~prisoners~~ to law enforcement personnel or State's Attorney. The sheriff may adopt and implement a written policy that provides for the release of a person who is in the custody of the sheriff for any criminal or supposed criminal matter to sworn law enforcement personnel or to the State's Attorney for the purpose of furthering investigations into criminal matters that are unrelated to the criminal matter for which the person is held in custody. The written policy must, at a minimum, require that there be a written request, signed by an authorized agent of the law enforcement agency or State's Attorney office, to take custody of the committed person ~~prisoner~~ and that the written request shall include the name of the individual authorized to take custody of the committed person ~~prisoner~~, the purpose and scope of the criminal matter under investigation, and a statement of the fact that the individual taking custody and agency they are employed by understand the limitation of the sheriff's liability as described in this Act. Upon the release of a person to law enforcement personnel or the State's Attorney under written

policy of the sheriff, the sheriff shall not be liable for any injury of any kind, including but not limited to death, to either the person released or to any third party that occurs during the time period that the person is in custody of other law enforcement personnel or the State's Attorney unless the sheriff or a deputy sheriff, correctional guard, lockup keeper, or county employee is guilty of willful and wanton conduct that proximately caused the injury.

(Source: P.A. 92-304, eff. 8-9-01.)

(730 ILCS 125/20) (from Ch. 75, par. 120)

Sec. 20. Cost and expense; commissary fund.

(a) The cost and expense of keeping, maintaining and furnishing the jail of each county, and of keeping and maintaining the committed person ~~prisoner~~ thereof, except as otherwise provided by law, shall be paid from the county treasury, the account therefor being first settled and allowed by the county board.

The county board may require convicted persons confined in its jail to reimburse the county for the expenses incurred by their incarceration to the extent of their ability to pay for such expenses. The warden of the jail shall establish by regulation criteria for a reasonable deduction from money credited to any account of an inmate to defray the costs to the county for an inmate's medical care. The State's Attorney of the county in which such jail is located may, if requested by

the County Board, institute civil actions in the circuit court of the county in which the jail is located to recover from such convicted confined persons the expenses incurred by their confinement. The funds recovered shall be paid into the county treasury.

(a-5) Upon notification from the Clerk of the Circuit Court of an outstanding fine, restitution, or costs imposed by the court on a jail inmate, the warden of the jail may, at any time prior to release of the inmate, deduct from money credited to any account of the inmate an amount to pay or reduce the outstanding balance. The warden of the jail shall establish by regulation criteria for deduction from money credited to any account of an inmate to pay or reduce the amount outstanding on a fine, restitution, or costs imposed by the court on the inmate. The regulation shall comply with any withholding restrictions otherwise provided by law. The inmate shall be provided with written notice of the amount of any deduction. There shall also be prominent notice by signage at any location where the warden of the jail or jail employees receive funds for deposit into an inmate's account, that funds in an inmate's account may be used to pay fines, restitution, or costs imposed on the inmate by a court. Any person providing funds for an inmate's account shall be notified in writing when the funds are provided, that funds in an inmate's account may be used to pay fines, restitution, or costs imposed on the inmate by a court.

(b) When a committed person ~~prisoner~~ is released from the county jail after the completion of his or her sentence and has money credited to his or her account in the commissary fund, the sheriff or a person acting on the authority of the sheriff must mail a check in the amount credited to the committed person's ~~prisoner's~~ account to the committed person's ~~prisoner's~~ last known address. If after 30 days from the date of mailing of the check, the check is returned undelivered, the sheriff must transmit the amount of the check to the county treasurer for deposit into the commissary fund. Nothing in this subsection (b) constitutes a forfeiture of the committed person's ~~prisoner's~~ right to claim the money accredited to his or her account after the 30-day period.

(Source: P.A. 96-432, eff. 8-13-09.)

(730 ILCS 125/21) (from Ch. 75, par. 121)

Sec. 21. Whenever a committed person ~~prisoner~~ is committed to the jail of one county for a criminal offense committed or charged to have been committed in another, or is transferred to another county for safekeeping or trial, the county in which the crime was committed, or charged to have been committed, shall pay the expenses of the keeping of such committed person ~~prisoner~~. In civil suits, the plaintiff or defendant shall pay the expenses, in the same manner as if the imprisonment had taken place in the same county where the suit was commenced.

The County Board of the county in which the crime was committed, may require convicted committed persons ~~prisoners~~ transferred from such county to reimburse the county for the expenses incurred by their incarceration to the extent of their ability to pay for such expenses. The State's Attorney of the county which incurred the expenses, if authorized by the County Board, may institute civil actions in the circuit court of such county to recover from such convicted confined persons the expenses incurred by their confinement. Such expenses recovered shall be paid into the county treasury.

(Source: P.A. 83-1073.)