

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-6-2 and 3-10-2 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 shall  
9 be administered by a chief administrative officer appointed by  
10 the Director. A chief administrative officer shall be  
11 responsible for all persons assigned to the institution or  
12 facility. The chief administrative officer shall administer  
13 the programs of the Department for the custody and treatment of  
14 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 State,  
21 subject to the acceptance of such receiving institution or  
22 facility, or to designate any reasonably secure place in the  
23 State as such an institution or facility and to make transfers

1 thereto. However, transfers made under emergency powers shall  
2 be reviewed as soon as practicable under Article 8, and shall  
3 be subject to Section 5-905 of the Juvenile Court Act of 1987.  
4 This Section shall not apply to transfers to the Department of  
5 Human Services which are provided for under Section 3-8-5 or  
6 Section 3-10-5.

7 (d) The Department shall provide educational programs in  
8 each of its institutions and facilities for all committed  
9 persons so that all persons have an opportunity to attain the  
10 achievement level equivalent to the completion of the twelfth  
11 grade in the public school system in this State. Other higher  
12 levels of attainment shall be encouraged and professional  
13 instruction shall be maintained wherever possible. The  
14 Department must allow into each institution and facility of the  
15 Department teachers who hold Professional Educator Licenses  
16 issued by the State Superintendent of Education under the  
17 School Code to teach committed persons. The Department may  
18 establish programs of mandatory education and may establish  
19 rules and regulations for the administration of such programs.  
20 A person committed to the Department who, during the period of  
21 his or her incarceration, participates in an educational  
22 program provided by or through the Department and through that  
23 program is awarded or earns the number of hours of credit  
24 required for the award of an associate, baccalaureate, or  
25 higher degree from a community college, college, or university  
26 located in Illinois shall reimburse the State, through the

1 Department, for the costs incurred by the State in providing  
2 that person during his or her incarceration with the education  
3 that qualifies him or her for the award of that degree. The  
4 costs for which reimbursement is required under this subsection  
5 shall be determined and computed by the Department under rules  
6 and regulations that it shall establish for that purpose.  
7 However, interest at the rate of 6% per annum shall be charged  
8 on the balance of those costs from time to time remaining  
9 unpaid, from the date of the person's parole, mandatory  
10 supervised release, or release constituting a final  
11 termination of his or her commitment to the Department until  
12 paid.

13 (d-1) The Department shall provide vocational training for  
14 committed persons in each institution and facility of the  
15 Department.

16 (d-5) A person committed to the Department is entitled to  
17 confidential testing for infection with human immunodeficiency  
18 virus (HIV) and to counseling in connection with such testing,  
19 with no copay to the committed person. A person committed to  
20 the Department who has tested positive for infection with HIV  
21 is entitled to medical care while incarcerated, counseling, and  
22 referrals to support services, in connection with that positive  
23 test result. Implementation of this subsection (d-5) is subject  
24 to appropriation.

25 (e) A person committed to the Department who becomes in  
26 need of medical or surgical treatment but is incapable of

1 giving consent thereto shall receive such medical or surgical  
2 treatment by the chief administrative officer consenting on the  
3 person's behalf. Before the chief administrative officer  
4 consents, he or she shall obtain the advice of one or more  
5 physicians licensed to practice medicine in all its branches in  
6 this State. If such physician or physicians advise:

7 (1) that immediate medical or surgical treatment is  
8 required relative to a condition threatening to cause  
9 death, damage or impairment to bodily functions, or  
10 disfigurement; and

11 (2) that the person is not capable of giving consent to  
12 such treatment; the chief administrative officer may give  
13 consent for such medical or surgical treatment, and such  
14 consent shall be deemed to be the consent of the person for  
15 all purposes, including, but not limited to, the authority  
16 of a physician to give such treatment.

17 (e-5) If a physician providing medical care to a committed  
18 person on behalf of the Department advises the chief  
19 administrative officer that the committed person's mental or  
20 physical health has deteriorated as a result of the cessation  
21 of ingestion of food or liquid to the point where medical or  
22 surgical treatment is required to prevent death, damage, or  
23 impairment to bodily functions, the chief administrative  
24 officer may authorize such medical or surgical treatment.

25 (f) In the event that the person requires medical care and  
26 treatment at a place other than the institution or facility,

1 the person may be removed therefrom under conditions prescribed  
2 by the Department. The Department shall require the committed  
3 person receiving medical or dental services on a non-emergency  
4 basis to pay a \$5 co-payment to the Department for each visit  
5 for medical or dental services. The amount of each co-payment  
6 shall be deducted from the committed person's individual  
7 account. A committed person who has a chronic illness, as  
8 defined by Department rules and regulations, shall be exempt  
9 from the \$5 co-payment for treatment of the chronic illness. A  
10 committed person shall not be subject to a \$5 co-payment for  
11 follow-up visits ordered by a physician, who is employed by, or  
12 contracts with, the Department. A committed person who is  
13 indigent is exempt from the \$5 co-payment and is entitled to  
14 receive medical or dental services on the same basis as a  
15 committed person who is financially able to afford the  
16 co-payment. For purposes of this Section only, "indigent" means  
17 a committed person who has \$20 or less in his or her Inmate  
18 Trust Fund at the time of such services and for the 30 days  
19 prior to such services. Notwithstanding any other provision in  
20 this subsection (f) to the contrary, any person committed to  
21 any facility operated by the Department of Juvenile Justice, as  
22 set forth in Section 3-2.5-15 of this Code, is exempt from the  
23 co-payment requirement for the duration of confinement in those  
24 facilities.

25 (g) Any person having sole custody of a child at the time  
26 of commitment or any woman giving birth to a child after her

1 commitment, may arrange through the Department of Children and  
2 Family Services for suitable placement of the child outside of  
3 the Department of Corrections. The Director of the Department  
4 of Corrections may determine that there are special reasons why  
5 the child should continue in the custody of the mother until  
6 the child is 6 years old.

7 (h) The Department may provide Family Responsibility  
8 Services which may consist of, but not be limited to the  
9 following:

10 (1) family advocacy counseling;

11 (2) parent self-help group;

12 (3) parenting skills training;

13 (4) parent and child overnight program;

14 (5) parent and child reunification counseling, either  
15 separately or together, preceding the inmate's release;  
16 and

17 (6) a prerelease reunification staffing involving the  
18 family advocate, the inmate and the child's counselor, or  
19 both and the inmate.

20 (i) (Blank).

21 (j) Any person convicted of a sex offense as defined in the  
22 Sex Offender Management Board Act shall be required to receive  
23 a sex offender evaluation prior to release into the community  
24 from the Department of Corrections. The sex offender evaluation  
25 shall be conducted in conformance with the standards and  
26 guidelines developed under the Sex Offender Management Board

1 Act and by an evaluator approved by the Board.

2 (k) Any minor committed to the Department of Juvenile  
3 Justice for a sex offense as defined by the Sex Offender  
4 Management Board Act shall be required to undergo sex offender  
5 treatment by a treatment provider approved by the Board and  
6 conducted in conformance with the Sex Offender Management Board  
7 Act.

8 (l) Prior to the release of any inmate committed to a  
9 facility of the Department or the Department of Juvenile  
10 Justice, the Department must provide the inmate with  
11 appropriate information verbally, in writing, by video, or  
12 other electronic means, concerning HIV and AIDS. The Department  
13 shall develop the informational materials in consultation with  
14 the Department of Public Health. At the same time, the  
15 Department must also offer the committed person the option of  
16 testing for infection with human immunodeficiency virus (HIV),  
17 with no copayment for the test. Pre-test information shall be  
18 provided to the committed person and informed consent obtained  
19 as required in subsection (d) of Section 3 and Section 5 of the  
20 AIDS Confidentiality Act. The Department may conduct opt-out  
21 HIV testing as defined in Section 4 of the AIDS Confidentiality  
22 Act. If the Department conducts opt-out HIV testing, the  
23 Department shall place signs in English, Spanish and other  
24 languages as needed in multiple, highly visible locations in  
25 the area where HIV testing is conducted informing inmates that  
26 they will be tested for HIV unless they refuse, and refusal or

1 acceptance of testing shall be documented in the inmate's  
2 medical record. The Department shall follow procedures  
3 established by the Department of Public Health to conduct HIV  
4 testing and testing to confirm positive HIV test results. All  
5 testing must be conducted by medical personnel, but pre-test  
6 and other information may be provided by committed persons who  
7 have received appropriate training. The Department, in  
8 conjunction with the Department of Public Health, shall develop  
9 a plan that complies with the AIDS Confidentiality Act to  
10 deliver confidentially all positive or negative HIV test  
11 results to inmates or former inmates. Nothing in this Section  
12 shall require the Department to offer HIV testing to an inmate  
13 who is known to be infected with HIV, or who has been tested  
14 for HIV within the previous 180 days and whose documented HIV  
15 test result is available to the Department electronically. The  
16 testing provided under this subsection (1) shall consist of a  
17 test approved by the Illinois Department of Public Health to  
18 determine the presence of HIV infection, based upon  
19 recommendations of the United States Centers for Disease  
20 Control and Prevention. If the test result is positive, a  
21 reliable supplemental test based upon recommendations of the  
22 United States Centers for Disease Control and Prevention shall  
23 be administered.

24 Prior to the release of an inmate who the Department knows  
25 has tested positive for infection with HIV, the Department in a  
26 timely manner shall offer the inmate transitional case



1 management, including referrals to other support services.

2 (m) The chief administrative officer of each institution or  
3 facility of the Department shall make a room in the institution  
4 or facility available for addiction recovery services to be  
5 provided to committed persons on a voluntary basis. The  
6 services shall be provided for one hour once a week at a time  
7 specified by the chief administrative officer of the  
8 institution or facility if the following conditions are met:

9 (1) the addiction recovery service contacts the chief  
10 administrative officer to arrange the meeting;

11 (2) the committed person may attend the meeting for  
12 addiction recovery services only if the committed person  
13 uses pre-existing free time already available to the  
14 committed person;

15 (3) all disciplinary and other rules of the institution  
16 or facility remain in effect;

17 (4) the committed person is not given any additional  
18 privileges to attend addiction recovery services;

19 (5) if the addiction recovery service does not arrange  
20 for scheduling a meeting for that week, no addiction  
21 recovery services shall be provided to the committed person  
22 in the institution or facility for that week;

23 (6) the number of committed persons who may attend an  
24 addiction recovery meeting shall not exceed 40 during any  
25 session held at the correctional institution or facility;

26 (7) a volunteer seeking to provide addiction recovery

1 services under this subsection (m) must submit an  
2 application to the Department of Corrections under  
3 existing Department rules and the Department must review  
4 the application within 60 days after submission of the  
5 application to the Department; and

6 (8) each institution and facility of the Department  
7 shall manage the addiction recovery services program  
8 according to its own processes and procedures.

9 For the purposes of this subsection (m), "addiction  
10 recovery services" means recovery services for alcoholics and  
11 addicts provided by volunteers of recovery support services  
12 recognized by the Department of Human Services.

13 (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,  
14 eff. 8-12-11; 97-562, eff. 1-1-12; 97-802, eff. 7-13-12;  
15 97-813, eff. 7-13-12.)

16 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

17 Sec. 3-10-2. Examination of Persons Committed to the  
18 Department of Juvenile Justice.

19 (a) A person committed to the Department of Juvenile  
20 Justice shall be examined in regard to his medical,  
21 psychological, social, educational and vocational condition  
22 and history, including the use of alcohol and other drugs, the  
23 circumstances of his offense and any other information as the  
24 Department of Juvenile Justice may determine.

25 (a-5) Upon admission of a person committed to the

1 Department of Juvenile Justice, the Department of Juvenile  
2 Justice must provide the person with appropriate information  
3 concerning HIV and AIDS in writing, verbally, or by video or  
4 other electronic means. The Department of Juvenile Justice  
5 shall develop the informational materials in consultation with  
6 the Department of Public Health. At the same time, the  
7 Department of Juvenile Justice also must offer the person the  
8 option of being tested, at no charge to the person, for  
9 infection with human immunodeficiency virus (HIV). Pre-test  
10 information shall be provided to the committed person and  
11 informed consent obtained as required in subsection (q) of  
12 Section 3 and Section 5 of the AIDS Confidentiality Act. The  
13 Department of Juvenile Justice may conduct opt-out HIV testing  
14 as defined in Section 4 of the AIDS Confidentiality Act. If the  
15 Department conducts opt-out HIV testing, the Department shall  
16 place signs in English, Spanish and other languages as needed  
17 in multiple, highly visible locations in the area where HIV  
18 testing is conducted informing inmates that they will be tested  
19 for HIV unless they refuse, and refusal or acceptance of  
20 testing shall be documented in the inmate's medical record. The  
21 Department shall follow procedures established by the  
22 Department of Public Health to conduct HIV testing and testing  
23 to confirm positive HIV test results. All testing must be  
24 conducted by medical personnel, but pre-test and other  
25 information may be provided by committed persons who have  
26 received appropriate training. The Department, in conjunction

1 with the Department of Public Health, shall develop a plan that  
2 complies with the AIDS Confidentiality Act to deliver  
3 confidentially all positive or negative HIV test results to  
4 inmates or former inmates. Nothing in this Section shall  
5 require the Department to offer HIV testing to an inmate who is  
6 known to be infected with HIV, or who has been tested for HIV  
7 within the previous 180 days and whose documented HIV test  
8 result is available to the Department electronically. The  
9 testing provided under this subsection (a-5) shall consist of a  
10 test approved by the Illinois Department of Public Health to  
11 determine the presence of HIV infection, based upon  
12 recommendations of the United States Centers for Disease  
13 Control and Prevention. If the test result is positive, a  
14 reliable supplemental test based upon recommendations of the  
15 United States Centers for Disease Control and Prevention shall  
16 be administered.

17 Also upon admission of a person committed to the Department  
18 of Juvenile Justice, the Department of Juvenile Justice must  
19 inform the person of the Department's obligation to provide the  
20 person with medical care.

21 (b) Based on its examination, the Department of Juvenile  
22 Justice may exercise the following powers in developing a  
23 treatment program of any person committed to the Department of  
24 Juvenile Justice:

25 (1) Require participation by him in vocational,  
26 physical, educational and corrective training and

1 activities to return him to the community.

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

4 (3) Order replacement or referral to the Parole and  
5 Pardon Board as often as it deems desirable. The Department  
6 of Juvenile Justice shall refer the person to the Parole  
7 and Pardon Board as required under Section 3-3-4.

8 (4) Enter into agreements with the Secretary of Human  
9 Services and the Director of Children and Family Services,  
10 with courts having probation officers, and with private  
11 agencies or institutions for separate care or special  
12 treatment of persons subject to the control of the  
13 Department of Juvenile Justice.

14 (c) The Department of Juvenile Justice shall make periodic  
15 reexamination of all persons under the control of the  
16 Department of Juvenile Justice to determine whether existing  
17 orders in individual cases should be modified or continued.  
18 This examination shall be made with respect to every person at  
19 least once annually.

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

23 (e) The Department of Juvenile Justice shall by certified  
24 mail and telephone or electronic message notify the parent,  
25 guardian or nearest relative of any person committed to the  
26 Department of Juvenile Justice of his or her physical location

1 and any change thereof.

2 (f) Each institution and facility of the Department of  
3 Juvenile Justice shall provide educational and vocational  
4 training for all persons committed to the Department.

5 (Source: P.A. 98-689, eff. 1-1-15; 98-1046, eff. 1-1-15; 99-78,  
6 eff. 7-20-15.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.