

# HB0409



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0409

by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-15-2

from Ch. 38, par. 1003-15-2

Amends the Unified Code of Corrections. Makes a technical change in a Section concerning standards and assistance to local jails and detention and shelter care facilities.

LRB101 03665 SLF 48673 b

A BILL FOR

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 Section 3-15-2 as follows:

6 (730 ILCS 5/3-15-2) (from Ch. 38, par. 1003-15-2)

7 Sec. 3-15-2. Standards and Assistance to Local Jails and  
8 Detention and Shelter Care Facilities.

9 (a) The ~~The~~ Department of Corrections shall establish for  
10 the operation of county and municipal jails and houses of  
11 correction, minimum standards for the physical condition of  
12 such institutions and for the treatment of inmates with respect  
13 to their health and safety and the security of the community.

14 The Department of Juvenile Justice shall establish for the  
15 operation of county juvenile detention and shelter care  
16 facilities established pursuant to the County Shelter Care and  
17 Detention Home Act, minimum standards for the physical  
18 condition of such institutions and for the treatment of  
19 juveniles with respect to their health and safety and the  
20 security of the community.

21 Such standards shall not apply to county shelter care  
22 facilities which were in operation prior to January 1, 1980.  
23 Such standards shall not seek to mandate minimum floor space

1 requirements for each inmate housed in cells and detention  
2 rooms in county and municipal jails and houses of correction.  
3 However, no more than two inmates may be housed in a single  
4 cell or detention room.

5 When an inmate is tested for an airborne communicable  
6 disease, as determined by the Illinois Department of Public  
7 Health including but not limited to tuberculosis, the results  
8 of the test shall be personally delivered by the warden or his  
9 or her designee in a sealed envelope to the judge of the court  
10 in which the inmate must appear for the judge's inspection in  
11 camera if requested by the judge. Acting in accordance with the  
12 best interests of those in the courtroom, the judge shall have  
13 the discretion to determine what if any precautions need to be  
14 taken to prevent transmission of the disease in the courtroom.

15 (b) At least once each year, the Department of Corrections  
16 may inspect each adult facility for compliance with the  
17 standards established and the results of such inspection shall  
18 be made available by the Department for public inspection. At  
19 least once each year, the Department of Juvenile Justice shall  
20 inspect each county juvenile detention and shelter care  
21 facility for compliance with the standards established, and the  
22 Department of Juvenile Justice shall make the results of such  
23 inspections available for public inspection. If any detention,  
24 shelter care or correctional facility does not comply with the  
25 standards established, the Director of Corrections or the  
26 Director of Juvenile Justice, as the case may be, shall give

1 notice to the county board and the sheriff or the corporate  
2 authorities of the municipality, as the case may be, of such  
3 noncompliance, specifying the particular standards that have  
4 not been met by such facility. If the facility is not in  
5 compliance with such standards when six months have elapsed  
6 from the giving of such notice, the Director of Corrections or  
7 the Director of Juvenile Justice, as the case may be, may  
8 petition the appropriate court for an order requiring such  
9 facility to comply with the standards established by the  
10 Department or for other appropriate relief.

11 (c) The Department of Corrections may provide consultation  
12 services for the design, construction, programs and  
13 administration of correctional facilities and services for  
14 adults operated by counties and municipalities and may make  
15 studies and surveys of the programs and the administration of  
16 such facilities. Personnel of the Department shall be admitted  
17 to these facilities as required for such purposes. The  
18 Department may develop and administer programs of  
19 grants-in-aid for correctional services in cooperation with  
20 local agencies. The Department may provide courses of training  
21 for the personnel of such institutions and conduct pilot  
22 projects in the institutions.

23 (c-5) The Department of Juvenile Justice may provide  
24 consultation services for the design, construction, programs,  
25 and administration of detention and shelter care services for  
26 children operated by counties and municipalities and may make

1 studies and surveys of the programs and the administration of  
2 such facilities. Personnel of the Department of Juvenile  
3 Justice shall be admitted to these facilities as required for  
4 such purposes. The Department of Juvenile Justice may develop  
5 and administer programs of grants-in-aid for juvenile  
6 correctional services in cooperation with local agencies. The  
7 Department of Juvenile Justice may provide courses of training  
8 for the personnel of such institutions and conduct pilot  
9 projects in the institutions.

10 (d) The Department is authorized to issue reimbursement  
11 grants for counties, municipalities or public building  
12 commissions for the purpose of meeting minimum correctional  
13 facilities standards set by the Department under this Section.  
14 Grants may be issued only for projects that were completed  
15 after July 1, 1980 and initiated prior to January 1, 1987.

16 (1) Grants for regional correctional facilities shall  
17 not exceed 90% of the project costs or \$7,000,000,  
18 whichever is less.

19 (2) Grants for correctional facilities by a single  
20 county, municipality or public building commission shall  
21 not exceed 75% of the proposed project costs or \$4,000,000,  
22 whichever is less.

23 (3) As used in this subsection (d), "project" means  
24 only that part of a facility that is constructed for jail,  
25 correctional or detention purposes and does not include  
26 other areas of multi-purpose buildings.

1           Construction or renovation grants are authorized to be  
2 issued by the Capital Development Board from capital  
3 development bond funds after application by a county or  
4 counties, municipality or municipalities or public building  
5 commission or commissions and approval of a construction or  
6 renovation grant by the Department for projects initiated after  
7 January 1, 1987.

8           (e) The Department of Corrections shall adopt standards for  
9 county jails to hold juveniles on a temporary basis, as  
10 provided in Section 5-410 of the Juvenile Court Act of 1987.  
11 These standards shall include monitoring, educational,  
12 recreational, and disciplinary standards as well as access to  
13 medical services, crisis intervention, mental health services,  
14 suicide prevention, health care, nutritional needs, and  
15 visitation rights. The Department of Corrections shall also  
16 notify any county applying to hold juveniles in a county jail  
17 of the standards for juvenile detention under Section 5-410 of  
18 the Juvenile Court Act of 1987.

19           (Source: P.A. 98-685, eff. 1-1-15.)