

1 AN ACT concerning HIV testing.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 22.3 as follows:

6 (20 ILCS 505/22.3) (from Ch. 23, par. 5022.3)

7 Sec. 22.3. To provide human immunodeficiency virus (HIV)
8 testing for any child in the custody of the Department being
9 placed in adoptive care, upon the request of the child's
10 prospective adoptive parent. Such testing test shall consist of
11 a test approved by the Illinois Department of Public Health to
12 determine the presence of HIV infection, based upon the
13 recommendations of the United States Centers for Disease
14 Control and Prevention ~~an enzyme linked immunosorbent assay~~
15 ~~(ELISA) test to determine the presence of antibodies to HIV, or~~
16 ~~such other test as may be approved by the Illinois Department~~
17 ~~of Public Health;~~ in the event of a positive result, a ~~the~~
18 ~~Western Blot Assay or a more~~ reliable supplemental confirmatory
19 test based upon recommendations of the United States Centers
20 for Disease Control and Prevention shall also be administered.
21 The prospective adoptive parent requesting the test shall be
22 confidentially notified of the test result, and if the test is
23 positive, the Department shall provide the prospective

1 adoptive parents and child with treatment and counseling, as
2 appropriate. The Department shall report positive HIV test
3 results to the Illinois Department of Public Health.

4 (Source: P.A. 86-904.)

5 Section 10. The Communicable Disease Prevention Act is
6 amended by changing Section 2a as follows:

7 (410 ILCS 315/2a) (from Ch. 111 1/2, par. 22.12a)

8 Sec. 2a. Whenever a child of school age is reported to the
9 Illinois Department of Public Health or a local health
10 department as having been diagnosed as having acquired immune
11 deficiency syndrome (AIDS) or human immunodeficiency virus
12 (HIV) based upon case definitions established by the United
13 States Centers for Disease Control and Prevention ~~AIDS-related~~
14 ~~complex (ARC)~~ or as having been shown to have been exposed to
15 human immunodeficiency virus (HIV) or any other identified
16 causative agent of AIDS by testing positive on a ~~Western Blot~~
17 ~~Assay or more~~ reliable test based upon recommendations of the
18 United States Centers for Disease Control and Prevention, such
19 department shall give prompt and confidential notice of the
20 identity of the child to the principal of the school in which
21 the child is enrolled. If the child is enrolled in a public
22 school, the principal shall disclose the identity of the child
23 to the superintendent of the school district in which the child
24 resides.

1 The principal may, as necessary, disclose the identity of
2 an infected child to:

3 (1) the school nurse at that school;

4 (2) the classroom teachers in whose classes the child is
5 enrolled; and

6 (3) those persons who, pursuant to federal or state law,
7 are required to decide the placement or educational program of
8 the child.

9 In addition, the principal may inform such other persons as
10 may be necessary that an infected child is enrolled at that
11 school, so long as the child's identity is not revealed.

12 (Source: P.A. 85-1399.)

13 Section 15. The Criminal Code of 1961 is amended by
14 changing Section 12-18 as follows:

15 (720 ILCS 5/12-18) (from Ch. 38, par. 12-18)

16 Sec. 12-18. General Provisions.

17 (a) No person accused of violating Sections 12-13, 12-14,
18 12-15 or 12-16 of this Code shall be presumed to be incapable
19 of committing an offense prohibited by Sections 12-13, 12-14,
20 12-14.1, 12-15 or 12-16 of this Code because of age, physical
21 condition or relationship to the victim, except as otherwise
22 provided in subsection (c) of this Section. Nothing in this
23 Section shall be construed to modify or abrogate the
24 affirmative defense of infancy under Section 6-1 of this Code

1 or the provisions of Section 5-805 of the Juvenile Court Act of
2 1987.

3 (b) Any medical examination or procedure which is conducted
4 by a physician, nurse, medical or hospital personnel, parent,
5 or caretaker for purposes and in a manner consistent with
6 reasonable medical standards is not an offense under Sections
7 12-13, 12-14, 12-14.1, 12-15 and 12-16 of this Code.

8 (c) (Blank).

9 (d) (Blank).

10 (e) After a finding at a preliminary hearing that there is
11 probable cause to believe that an accused has committed a
12 violation of Section 12-13, 12-14, or 12-14.1 of this Code, or
13 after an indictment is returned charging an accused with a
14 violation of Section 12-13, 12-14, or 12-14.1 of this Code, or
15 after a finding that a defendant charged with a violation of
16 Section 12-13, 12-14, or 12-14.1 of this Code is unfit to stand
17 trial pursuant to Section 104-16 of the Code of Criminal
18 Procedure of 1963 where the finding is made prior to
19 preliminary hearing, at the request of the person who was the
20 victim of the violation of Section 12-13, 12-14, or 12-14.1,
21 the prosecuting State's attorney shall seek an order from the
22 court to compel the accused to be tested within 48 hours for
23 any sexually transmissible disease, including a test for
24 infection with human immunodeficiency virus (HIV). The medical
25 tests shall be performed only by appropriately licensed medical
26 practitioners. Such testing shall consist of a test approved by

1 the Illinois Department of Public Health to determine the
2 presence of HIV infection, based upon recommendations of the
3 United States Centers for Disease Control and Prevention ~~The~~
4 ~~test for infection with human immunodeficiency virus (HIV)~~
5 ~~shall consist of an enzyme linked immunosorbent assay (ELISA)~~
6 ~~test, or such other test as may be approved by the Illinois~~
7 ~~Department of Public Health;~~ in the event of a positive result,
8 a the Western Blot Assay or a more reliable supplemental
9 confirmatory test based upon recommendations of the United
10 States Centers for Disease Control and Prevention shall be
11 administered. The results of the tests and any follow-up tests
12 shall be kept strictly confidential by all medical personnel
13 involved in the testing and must be personally delivered in a
14 sealed envelope to the victim, to the defendant, to the State's
15 Attorney, and to the judge who entered the order, for the
16 judge's inspection in camera. The judge shall provide to the
17 victim a referral to the Illinois Department of Public Health
18 HIV/AIDS toll-free hotline for counseling and information in
19 connection with the test result. Acting in accordance with the
20 best interests of the victim and the public, the judge shall
21 have the discretion to determine to whom, if anyone, the result
22 of the testing may be revealed; however, in no case shall the
23 identity of the victim be disclosed. The court shall order that
24 the cost of the tests shall be paid by the county, and shall be
25 taxed as costs against the accused if convicted.

26 (f) Whenever any law enforcement officer has reasonable

1 cause to believe that a person has been delivered a controlled
2 substance without his or her consent, the law enforcement
3 officer shall advise the victim about seeking medical treatment
4 and preserving evidence.

5 (g) Every hospital providing emergency hospital services
6 to an alleged sexual assault survivor, when there is reasonable
7 cause to believe that a person has been delivered a controlled
8 substance without his or her consent, shall designate personnel
9 to provide:

10 (1) An explanation to the victim about the nature and
11 effects of commonly used controlled substances and how such
12 controlled substances are administered.

13 (2) An offer to the victim of testing for the presence
14 of such controlled substances.

15 (3) A disclosure to the victim that all controlled
16 substances or alcohol ingested by the victim will be
17 disclosed by the test.

18 (4) A statement that the test is completely voluntary.

19 (5) A form for written authorization for sample
20 analysis of all controlled substances and alcohol ingested
21 by the victim.

22 A physician licensed to practice medicine in all its
23 branches may agree to be a designated person under this
24 subsection.

25 No sample analysis may be performed unless the victim
26 returns a signed written authorization within 30 days after the

1 sample was collected.

2 Any medical treatment or care under this subsection shall
3 be only in accordance with the order of a physician licensed to
4 practice medicine in all of its branches. Any testing under
5 this subsection shall be only in accordance with the order of a
6 licensed individual authorized to order the testing.

7 (Source: P.A. 94-397, eff. 1-1-06; 95-926, eff. 8-26-08.)

8 Section 20. The Unified Code of Corrections is amended by
9 changing Sections 3-6-2, 3-8-2, and 3-10-2 as follows:

10 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

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

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

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

21 (c) The Director or Assistant Director shall have the
22 emergency powers to temporarily transfer individuals without
23 formal procedures to any State, county, municipal or regional
24 correctional or detention institution or facility in the State,

1 subject to the acceptance of such receiving institution or
2 facility, or to designate any reasonably secure place in the
3 State as such an institution or facility and to make transfers
4 thereto. However, transfers made under emergency powers shall
5 be reviewed as soon as practicable under Article 8, and shall
6 be subject to Section 5-905 of the Juvenile Court Act of 1987.
7 This Section shall not apply to transfers to the Department of
8 Human Services which are provided for under Section 3-8-5 or
9 Section 3-10-5.

10 (d) The Department shall provide educational programs for
11 all committed persons so that all persons have an opportunity
12 to attain the achievement level equivalent to the completion of
13 the twelfth grade in the public school system in this State.
14 Other higher levels of attainment shall be encouraged and
15 professional instruction shall be maintained wherever
16 possible. The Department may establish programs of mandatory
17 education and may establish rules and regulations for the
18 administration of such programs. A person committed to the
19 Department who, during the period of his or her incarceration,
20 participates in an educational program provided by or through
21 the Department and through that program is awarded or earns the
22 number of hours of credit required for the award of an
23 associate, baccalaureate, or higher degree from a community
24 college, college, or university located in Illinois shall
25 reimburse the State, through the Department, for the costs
26 incurred by the State in providing that person during his or

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

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

20 (e) A person committed to the Department who becomes in
21 need of medical or surgical treatment but is incapable of
22 giving consent thereto shall receive such medical or surgical
23 treatment by the chief administrative officer consenting on the
24 person's behalf. Before the chief administrative officer
25 consents, he or she shall obtain the advice of one or more
26 physicians licensed to practice medicine in all its branches in

1 this State. If such physician or physicians advise:

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

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

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

20 (f) In the event that the person requires medical care and
21 treatment at a place other than the institution or facility,
22 the person may be removed therefrom under conditions prescribed
23 by the Department. The Department shall require the committed
24 person receiving medical or dental services on a non-emergency
25 basis to pay a \$2 co-payment to the Department for each visit
26 for medical or dental services. The amount of each co-payment

1 shall be deducted from the committed person's individual
2 account. A committed person who has a chronic illness, as
3 defined by Department rules and regulations, shall be exempt
4 from the \$2 co-payment for treatment of the chronic illness. A
5 committed person shall not be subject to a \$2 co-payment for
6 follow-up visits ordered by a physician, who is employed by, or
7 contracts with, the Department. A committed person who is
8 indigent is exempt from the \$2 co-payment and is entitled to
9 receive medical or dental services on the same basis as a
10 committed person who is financially able to afford the
11 co-payment. Notwithstanding any other provision in this
12 subsection (f) to the contrary, any person committed to any
13 facility operated by the Department of Juvenile Justice, as set
14 forth in Section 3-2.5-15 of this Code, is exempt from the
15 co-payment requirement for the duration of confinement in those
16 facilities.

17 (g) Any person having sole custody of a child at the time
18 of commitment or any woman giving birth to a child after her
19 commitment, may arrange through the Department of Children and
20 Family Services for suitable placement of the child outside of
21 the Department of Corrections. The Director of the Department
22 of Corrections may determine that there are special reasons why
23 the child should continue in the custody of the mother until
24 the child is 6 years old.

25 (h) The Department may provide Family Responsibility
26 Services which may consist of, but not be limited to the

1 following:

2 (1) family advocacy counseling;

3 (2) parent self-help group;

4 (3) parenting skills training;

5 (4) parent and child overnight program;

6 (5) parent and child reunification counseling, either
7 separately or together, preceding the inmate's release;
8 and

9 (6) a prerelease reunification staffing involving the
10 family advocate, the inmate and the child's counselor, or
11 both and the inmate.

12 (i) Prior to the release of any inmate who has a documented
13 history of intravenous drug use, and upon the receipt of that
14 inmate's written informed consent, the Department shall
15 provide for the testing of such inmate for infection with human
16 immunodeficiency virus (HIV) and any other identified
17 causative agent of acquired immunodeficiency syndrome (AIDS).
18 The testing provided under this subsection shall consist of a
19 test approved by the Illinois Department of Public Health to
20 determine the presence of HIV infection, based upon
21 recommendations of the United States Centers for Disease
22 Control and Prevention ~~an enzyme-linked immunosorbent assay~~
23 ~~(ELISA) test or such other test as may be approved by the~~
24 ~~Illinois Department of Public Health.~~ If the test result is
25 positive, a reliable supplemental ~~the Western Blot Assay or~~
26 ~~more reliable confirmatory~~ test based upon recommendations of

1 the United States Centers for Disease Control and Prevention
2 shall be administered. All inmates tested in accordance with
3 the provisions of this subsection shall be provided with
4 pre-test information and post-test counseling. Notwithstanding
5 any provision of this subsection to the contrary, the
6 Department shall not be required to conduct the testing and
7 counseling required by this subsection unless sufficient funds
8 to cover all costs of such testing and counseling are
9 appropriated for that purpose by the General Assembly.

10 (j) Any person convicted of a sex offense as defined in the
11 Sex Offender Management Board Act shall be required to receive
12 a sex offender evaluation prior to release into the community
13 from the Department of Corrections. The sex offender evaluation
14 shall be conducted in conformance with the standards and
15 guidelines developed under the Sex Offender Management Board
16 Act and by an evaluator approved by the Board.

17 (k) Any minor committed to the Department of Juvenile
18 Justice for a sex offense as defined by the Sex Offender
19 Management Board Act shall be required to undergo sex offender
20 treatment by a treatment provider approved by the Board and
21 conducted in conformance with the Sex Offender Management Board
22 Act.

23 (l) Prior to the release of any inmate, the Department must
24 provide the inmate with the option of testing for infection
25 with human immunodeficiency virus (HIV), as well as counseling
26 in connection with such testing, with no copayment for the

1 test. At the same time, the Department shall require each such
2 inmate to sign a form stating that the inmate has been informed
3 of his or her rights with respect to the testing required to be
4 offered under this subsection (1) and providing the inmate with
5 an opportunity to indicate either that he or she wants to be
6 tested or that he or she does not want to be tested. The
7 Department, in consultation with the Department of Public
8 Health, shall prescribe the contents of the form. The testing
9 provided under this subsection (1) shall consist of a test
10 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 ~~an enzyme-linked immunosorbent assay~~
14 ~~(ELISA) test or any other test approved by the Department of~~
15 ~~Public Health.~~ If the test result is positive, a ~~the Western~~
16 ~~Blot Assay or more~~ supplemental ~~confirmatory~~ test
17 based upon recommendations of the United States Centers for
18 Disease Control and Prevention shall be administered.

19 Prior to the release of an inmate who the Department knows
20 has tested positive for infection with HIV, the Department in a
21 timely manner shall offer the inmate transitional case
22 management, including referrals to other support services.

23 Implementation of this subsection (1) is subject to
24 appropriation.

25 (m) The chief administrative officer of each institution or
26 facility of the Department shall make a room in the institution

1 or facility available for addiction recovery services to be
2 provided to committed persons on a voluntary basis. The
3 services shall be provided for one hour once a week at a time
4 specified by the chief administrative officer of the
5 institution or facility if the following conditions are met:

6 (1) the addiction recovery service contacts the chief
7 administrative officer to arrange the meeting;

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

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

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

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

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

23 (7) a volunteer seeking to provide addiction recovery
24 services under this subsection (m) must submit an
25 application to the Department of Corrections under
26 existing Department rules and the Department must review

1 the application within 60 days after submission of the
2 application to the Department; and

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

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

10 (Source: P.A. 96-284, eff. 1-1-10.)

11 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

12 Sec. 3-8-2. Social Evaluation; physical examination;
13 HIV/AIDS.

14 (a) A social evaluation shall be made of a committed
15 person's medical, psychological, educational and vocational
16 condition and history, including the use of alcohol and other
17 drugs, the circumstances of his offense, and such other
18 information as the Department may determine. The committed
19 person shall be assigned to an institution or facility in so
20 far as practicable in accordance with the social evaluation.
21 Recommendations shall be made for medical, dental,
22 psychiatric, psychological and social service treatment.

23 (b) A record of the social evaluation shall be entered in
24 the committed person's master record file and shall be
25 forwarded to the institution or facility to which the person is

1 assigned.

2 (c) Upon admission to a correctional institution each
3 committed person shall be given a physical examination. If he
4 is suspected of having a communicable disease that in the
5 judgment of the Department medical personnel requires medical
6 isolation, the committed person shall remain in medical
7 isolation until it is no longer deemed medically necessary.

8 (d) Upon arrival at an inmate's final destination, the
9 Department must provide the committed person with appropriate
10 written information and counseling concerning HIV and AIDS. The
11 Department shall develop the written materials in consultation
12 with the Department of Public Health. At the same time, the
13 Department also must offer the committed person the option of
14 being tested, with no copayment, for infection with human
15 immunodeficiency virus (HIV). The Department shall require
16 each committed person to sign a form stating that the committed
17 person has been informed of his or her rights with respect to
18 the testing required to be offered under this subsection (d)
19 and providing the committed person with an opportunity to
20 indicate either that he or she wants to be tested or that he or
21 she does not want to be tested. The Department, in consultation
22 with the Department of Public Health, shall prescribe the
23 contents of the form. The testing provided under this
24 subsection (d) shall consist of a test approved by the Illinois
25 Department of Public Health to determine the presence of HIV
26 infection, based upon recommendations of the United States

1 ~~Centers for Disease Control and Prevention an enzyme-linked~~
2 ~~immunosorbent assay (ELISA) test or any other test approved by~~
3 ~~the Department of Public Health.~~ If the test result is
4 positive, a ~~the Western Blot Assay or more~~ reliable
5 supplemental confirmatory test based upon recommendations of
6 the United States Centers for Disease Control and Prevention
7 shall be administered. Implementation of this subsection (d) is
8 subject to appropriation.

9 (Source: P.A. 94-629, eff. 1-1-06.)

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

11 Sec. 3-10-2. Examination of Persons Committed to the
12 Department of Juvenile Justice.

13 (a) A person committed to the Department of Juvenile
14 Justice shall be examined in regard to his medical,
15 psychological, social, educational and vocational condition
16 and history, including the use of alcohol and other drugs, the
17 circumstances of his offense and any other information as the
18 Department of Juvenile Justice may determine.

19 (a-5) Upon admission of a person committed to the
20 Department of Juvenile Justice, the Department of Juvenile
21 Justice must provide the person with appropriate written
22 information and counseling concerning HIV and AIDS. The
23 Department of Juvenile Justice shall develop the written
24 materials in consultation with the Department of Public Health.
25 At the same time, the Department of Juvenile Justice also must

1 offer the person the option of being tested, at no charge to
2 the person, for infection with human immunodeficiency virus
3 (HIV) or any other identified causative agent of acquired
4 immunodeficiency syndrome (AIDS). The Department of Juvenile
5 Justice shall require each person committed to the Department
6 of Juvenile Justice to sign a form stating that the person has
7 been informed of his or her rights with respect to the testing
8 required to be offered under this subsection (a-5) and
9 providing the person with an opportunity to indicate either
10 that he or she wants to be tested or that he or she does not
11 want to be tested. The Department of Juvenile Justice, in
12 consultation with the Department of Public Health, shall
13 prescribe the contents of the form. The testing provided under
14 this subsection (a-5) shall consist of a test approved by the
15 Illinois Department of Public Health to determine the presence
16 of HIV infection, based upon recommendations of the United
17 States Centers for Disease Control and Prevention ~~an~~
18 ~~enzyme linked immunosorbent assay (ELISA) test or any other~~
19 ~~test approved by the Department of Public Health.~~ If the test
20 result is positive, a ~~the Western Blot Assay or more~~ reliable
21 supplemental confirmatory test based upon recommendations of
22 the United States Centers for Disease Control and Prevention
23 shall be administered.

24 Also upon admission of a person committed to the Department
25 of Juvenile Justice, the Department of Juvenile Justice must
26 inform the person of the Department's obligation to provide the

1 person with medical care.

2 Implementation of this subsection (a-5) is subject to
3 appropriation.

4 (b) Based on its examination, the Department of Juvenile
5 Justice may exercise the following powers in developing a
6 treatment program of any person committed to the Department of
7 Juvenile Justice:

8 (1) Require participation by him in vocational,
9 physical, educational and corrective training and
10 activities to return him to the community.

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

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

17 (4) Enter into agreements with the Secretary of Human
18 Services and the Director of Children and Family Services,
19 with courts having probation officers, and with private
20 agencies or institutions for separate care or special
21 treatment of persons subject to the control of the
22 Department of Juvenile Justice.

23 (c) The Department of Juvenile Justice shall make periodic
24 reexamination of all persons under the control of the
25 Department of Juvenile Justice to determine whether existing
26 orders in individual cases should be modified or continued.

1 This examination shall be made with respect to every person at
2 least once annually.

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

6 (e) The Department of Juvenile Justice shall by certified
7 mail, return receipt requested, notify the parent, guardian or
8 nearest relative of any person committed to the Department of
9 Juvenile Justice of his physical location and any change
10 thereof.

11 (Source: P.A. 94-629, eff. 1-1-06; 94-696, eff. 6-1-06.)

12 Section 25. The County Jail Act is amended by changing
13 Section 17.10 as follows:

14 (730 ILCS 125/17.10)

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

16 (a) In each county other than Cook, during the medical
17 admissions exam, the warden of the jail, a correctional officer
18 at the jail, or a member of the jail medical staff must provide
19 the prisoner with appropriate written information concerning
20 human immunodeficiency virus (HIV) and acquired
21 immunodeficiency syndrome (AIDS). The Department of Public
22 Health and community-based organizations certified to provide
23 HIV/AIDS testing must provide these informational materials to
24 the warden at no cost to the county. The warden, a correctional

1 officer, or a member of the jail medical staff must inform the
2 prisoner of the option of being tested for infection with HIV
3 by a certified local community-based agency or other available
4 medical provider at no charge to the prisoner.

5 (b) In Cook County, during the medical admissions exam, an
6 employee of the Cook County Bureau of Health Services must
7 provide the prisoner with appropriate written information
8 concerning human immunodeficiency virus (HIV) and acquired
9 immunodeficiency syndrome (AIDS) and must also provide the
10 prisoner with option of testing for infection with HIV or any
11 other identified causative agent of AIDS, as well as counseling
12 in connection with such testing. The Department of Public
13 Health and community-based organizations certified to provide
14 HIV/AIDS testing must provide these informational materials to
15 the Bureau at no cost to the county. The testing provided under
16 this subsection (b) shall be conducted by the Cook County
17 Bureau of Health Services and shall consist of a test approved
18 by the Illinois Department of Public Health to determine the
19 presence of HIV infection, based upon recommendations of the
20 United States Centers for Disease Control and Prevention ~~an~~
21 ~~enzyme-linked immunosorbent assay (ELISA) test or any other~~
22 ~~test approved by the Department of Public Health.~~ If the test
23 result is positive, a ~~the Western Blot Assay or more~~ reliable
24 supplemental confirmatory test based upon recommendations of
25 the United States Centers for Disease Control and Prevention
26 shall be administered.

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

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

11 (Source: P.A. 94-629, eff. 1-1-06.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.