

1 AN ACT concerning civil law.

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

4 Section 5. The Mental Health and Developmental  
5 Disabilities Code is amended by changing Section 2-103 as  
6 follows:

7 (405 ILCS 5/2-103) (from Ch. 91 1/2, par. 2-103)

8 Sec. 2-103. Except as provided in this Section, a recipient  
9 who resides in a mental health or developmental disabilities  
10 facility shall be permitted unimpeded, private, and uncensored  
11 communication with persons of his choice by mail, telephone and  
12 visitation.

13 (a) The facility director shall ensure that correspondence  
14 can be conveniently received and mailed, that telephones are  
15 reasonably accessible, and that space for visits is available.  
16 Writing materials, postage and telephone usage funds shall be  
17 provided in reasonable amounts to recipients who reside in  
18 Department facilities and who are unable to procure such items.

19 (b) Reasonable times and places for the use of telephones  
20 and for visits may be established in writing by the facility  
21 director.

22 (c) Unimpeded, private and uncensored communication by  
23 mail, telephone, and visitation may be reasonably restricted by

1 the facility director only in order to protect the recipient or  
2 others from harm, harassment or intimidation, provided that  
3 notice of such restriction shall be given to all recipients  
4 upon admission. When communications are restricted, the  
5 facility shall advise the recipient that he has the right to  
6 require the facility to notify the affected parties of the  
7 restriction, and to notify such affected party when the  
8 restrictions are no longer in effect. However, all letters  
9 addressed by a recipient to the Governor, members of the  
10 General Assembly, Attorney General, judges, state's attorneys,  
11 Guardianship and Advocacy Commission, or the Agency designated  
12 pursuant to "An Act in relation to the protection and advocacy  
13 of the rights of persons with developmental disabilities, and  
14 amending Acts therein named", approved September 20, 1985,  
15 officers of the Department, or licensed attorneys at law must  
16 be forwarded at once to the persons to whom they are addressed  
17 without examination by the facility authorities. Letters in  
18 reply from the officials and attorneys mentioned above must be  
19 delivered to the recipient without examination by the facility  
20 authorities.

21 (d) No facility shall prevent any attorney who represents a  
22 recipient or who has been requested to do so by any relative or  
23 family member of the recipient, from visiting a recipient  
24 during normal business hours, unless that recipient refuses to  
25 meet with the attorney.

26 (e) Whenever, as the result of the closing or the reduction

1 in the number of units or available beds of any mental health  
2 facility operated by the Department of Human Services, the  
3 State determines to enter into a contract with any mental  
4 health facility to provide hospitalization to persons who would  
5 otherwise be served by the State-operated mental health  
6 facility, the resident shall be entitled to the same rights  
7 under this Section.

8 (Source: P.A. 86-1417.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.