



Rep. Camille Y. Lilly

**Filed: 3/20/2015**

09900HB3270ham001

LRB099 09148 KTG 32999 a

1 AMENDMENT TO HOUSE BILL 3270

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3270 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by  
5 changing Section 1-8.5 as follows:

6 (305 ILCS 5/1-8.5)

7 Sec. 1-8.5. Eligibility for medical assistance during  
8 periods of incarceration or detention.

9 (a) To the extent permitted by federal law and  
10 notwithstanding any other provision of this Code, the  
11 Department of Healthcare and Family Services shall not cancel a  
12 person's eligibility for medical assistance, nor shall the  
13 Department deny a person's application for medical assistance,  
14 solely because that person has become or is an inmate of a  
15 public institution, including, but not limited to, a county  
16 jail, juvenile detention center, or State correctional

1 facility. The person may be and remain enrolled for medical  
2 assistance as long as all other eligibility criteria are met.

3 (b) The Department may adopt rules to permit a person to  
4 apply for medical assistance while he or she is an inmate of a  
5 public institution as described in subsection (a). The rules  
6 may limit applications to persons who would be likely to  
7 qualify for medical assistance if they resided in the  
8 community. Any such person who is not already enrolled for  
9 medical assistance may apply for medical assistance prior to  
10 the date of scheduled release or discharge from a penal  
11 institution or county jail or similar status.

12 (c) Except as provided under Section 17 of the County Jail  
13 Act, the Department shall not be responsible to provide medical  
14 assistance under this Code for any medical care, services, or  
15 supplies provided to a person while he or she is an inmate of a  
16 public institution as described in subsection (a). The  
17 responsibility for providing medical care shall remain as  
18 otherwise provided by law with the Department of Corrections,  
19 county, or other arresting authority. The Department may seek  
20 federal financial participation, to the extent that it is  
21 available and with the cooperation of the Department of  
22 Juvenile Justice, the Department of Corrections, or the  
23 relevant county, for the costs of those services.

24 (d) To the extent permitted under State and federal law,  
25 the Department shall develop procedures to expedite required  
26 periodic reviews of continued eligibility for persons

1 described in subsection (a).

2 (e) Counties, the Department of Juvenile Justice, the  
3 Department of Human Services, and the Department of Corrections  
4 shall cooperate with the Department in administering this  
5 Section. That cooperation shall include managing eligibility  
6 processing and sharing information sufficient to inform the  
7 Department, in a manner established by the Department, that a  
8 person enrolled in the medical assistance program has been  
9 detained or incarcerated.

10 (f) The Department shall resume responsibility for  
11 providing medical assistance upon release of the person to the  
12 community as long as all of the following apply:

13 (1) The person is enrolled for medical assistance at  
14 the time of release.

15 (2) Neither a county, the Department of Juvenile  
16 Justice, the Department of Corrections, nor any other  
17 criminal justice authority continues to bear  
18 responsibility for the person's medical care.

19 (3) The county, the Department of Juvenile Justice, or  
20 the Department of Corrections provides timely notice of the  
21 date of release in a manner established by the Department.

22 (g) This Section applies on and after December 31, 2011.

23 (Source: P.A. 98-139, eff. 1-1-14.)

24 Section 10. The Unified Code of Corrections is amended by  
25 changing Section 3-14-1 as follows:

1 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

2 Sec. 3-14-1. Release from the Institution.

3 (a) Upon release of a person on parole, mandatory release,  
4 final discharge or pardon the Department shall return all  
5 property held for him, provide him with suitable clothing and  
6 procure necessary transportation for him to his designated  
7 place of residence and employment. It may provide such person  
8 with a grant of money for travel and expenses which may be paid  
9 in installments. The amount of the money grant shall be  
10 determined by the Department.

11 (a-1) The Department shall, before a wrongfully imprisoned  
12 person, as defined in Section 3-1-2 of this Code, is discharged  
13 from the Department, provide him or her with any documents  
14 necessary after discharge, including an identification card  
15 under subsection (e) of this Section.

16 (a-2) The Department of Corrections may establish and  
17 maintain, in any institution it administers, revolving funds to  
18 be known as "Travel and Allowances Revolving Funds". These  
19 revolving funds shall be used for advancing travel and expense  
20 allowances to committed, paroled, and discharged prisoners.  
21 The moneys paid into such revolving funds shall be from  
22 appropriations to the Department for Committed, Paroled, and  
23 Discharged Prisoners.

24 (b) (Blank).

25 (c) Except as otherwise provided in this Code, the

1 Department shall establish procedures to provide written  
2 notification of any release of any person who has been  
3 convicted of a felony to the State's Attorney and sheriff of  
4 the county from which the offender was committed, and the  
5 State's Attorney and sheriff of the county into which the  
6 offender is to be paroled or released. Except as otherwise  
7 provided in this Code, the Department shall establish  
8 procedures to provide written notification to the proper law  
9 enforcement agency for any municipality of any release of any  
10 person who has been convicted of a felony if the arrest of the  
11 offender or the commission of the offense took place in the  
12 municipality, if the offender is to be paroled or released into  
13 the municipality, or if the offender resided in the  
14 municipality at the time of the commission of the offense. If a  
15 person convicted of a felony who is in the custody of the  
16 Department of Corrections or on parole or mandatory supervised  
17 release informs the Department that he or she has resided,  
18 resides, or will reside at an address that is a housing  
19 facility owned, managed, operated, or leased by a public  
20 housing agency, the Department must send written notification  
21 of that information to the public housing agency that owns,  
22 manages, operates, or leases the housing facility. The written  
23 notification shall, when possible, be given at least 14 days  
24 before release of the person from custody, or as soon  
25 thereafter as possible. The written notification shall be  
26 provided electronically if the State's Attorney, sheriff,

1 proper law enforcement agency, or public housing agency has  
2 provided the Department with an accurate and up to date email  
3 address.

4 (c-1) (Blank).

5 (c-2) The Department shall establish procedures to provide  
6 notice to the Department of State Police of the release or  
7 discharge of persons convicted of violations of the  
8 Methamphetamine Control and Community Protection Act or a  
9 violation of the Methamphetamine Precursor Control Act. The  
10 Department of State Police shall make this information  
11 available to local, State, or federal law enforcement agencies  
12 upon request.

13 (c-5) If a person on parole or mandatory supervised release  
14 becomes a resident of a facility licensed or regulated by the  
15 Department of Public Health, the Illinois Department of Public  
16 Aid, or the Illinois Department of Human Services, the  
17 Department of Corrections shall provide copies of the following  
18 information to the appropriate licensing or regulating  
19 Department and the licensed or regulated facility where the  
20 person becomes a resident:

21 (1) The mittimus and any pre-sentence investigation  
22 reports.

23 (2) The social evaluation prepared pursuant to Section  
24 3-8-2.

25 (3) Any pre-release evaluation conducted pursuant to  
26 subsection (j) of Section 3-6-2.

1           (4) Reports of disciplinary infractions and  
2           dispositions.

3           (5) Any parole plan, including orders issued by the  
4           Prisoner Review Board, and any violation reports and  
5           dispositions.

6           (6) The name and contact information for the assigned  
7           parole agent and parole supervisor.

8           This information shall be provided within 3 days of the  
9           person becoming a resident of the facility.

10          (c-10) If a person on parole or mandatory supervised  
11          release becomes a resident of a facility licensed or regulated  
12          by the Department of Public Health, the Illinois Department of  
13          Public Aid, or the Illinois Department of Human Services, the  
14          Department of Corrections shall provide written notification  
15          of such residence to the following:

16                (1) The Prisoner Review Board.

17                (2) The chief of police and sheriff in the municipality  
18                and county in which the licensed facility is located.

19          The notification shall be provided within 3 days of the  
20          person becoming a resident of the facility.

21          (d) Upon the release of a committed person on parole,  
22          mandatory supervised release, final discharge or pardon, the  
23          Department shall provide such person with information  
24          concerning programs and services of the Illinois Department of  
25          Public Health to ascertain whether such person has been exposed  
26          to the human immunodeficiency virus (HIV) or any identified

1 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

2 (e) Upon the release of a committed person on parole,  
3 mandatory supervised release, final discharge, pardon, or who  
4 has been wrongfully imprisoned, the Department shall provide  
5 the person who has met the criteria established by the  
6 Department with an identification card identifying the person  
7 as being on parole, mandatory supervised release, final  
8 discharge, pardon, or wrongfully imprisoned, as the case may  
9 be. The Department, in consultation with the Office of the  
10 Secretary of State, shall prescribe the form of the  
11 identification card, which may be similar to the form of the  
12 standard Illinois Identification Card. The Department shall  
13 inform the committed person that he or she may present the  
14 identification card to the Office of the Secretary of State  
15 upon application for a standard Illinois Identification Card in  
16 accordance with the Illinois Identification Card Act. The  
17 Department shall require the committed person to pay a \$1 fee  
18 for the identification card.

19 For purposes of a committed person receiving an  
20 identification card issued by the Department under this  
21 subsection, the Department shall establish criteria that the  
22 committed person must meet before the card is issued. It is the  
23 sole responsibility of the committed person requesting the  
24 identification card issued by the Department to meet the  
25 established criteria. The person's failure to meet the criteria  
26 is sufficient reason to deny the committed person the

1 identification card. An identification card issued by the  
2 Department under this subsection shall be valid for a period of  
3 time not to exceed 30 calendar days from the date the card is  
4 issued. The Department shall not be held civilly or criminally  
5 liable to anyone because of any act of any person utilizing a  
6 card issued by the Department under this subsection.

7 The Department shall adopt rules governing the issuance of  
8 identification cards to committed persons being released on  
9 parole, mandatory supervised release, final discharge, or  
10 pardon.

11 (f) No later than 90 days prior to the scheduled discharge  
12 of a person committed to the custody of the Department of  
13 Corrections, the Department shall give the person an  
14 opportunity to apply for medical assistance under Article V of  
15 the Illinois Public Aid Code, and shall provide assistance with  
16 completion of the application for medical assistance in  
17 accordance with Section 1-8.5 of the Illinois Public Aid Code.  
18 The Department may adopt rules to implement this Section.

19 (Source: P.A. 97-560, eff. 1-1-12; 97-813, eff. 7-13-12;  
20 98-267, eff. 1-1-14.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."