

AN ACT concerning corrections.

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

Section 1. Findings; purpose.

(a) The General Assembly finds and declares that:

(1) Public Act 89-688, effective June 1, 1997, contained provisions amending Section 3-8-7 of the Unified Code of Corrections relating to disciplinary procedures at Department of Corrections facilities. Public Act 89-688 also contained other provisions.

(2) On October 20, 2000, in *People v. Jerry Lee Foster*, 316 Ill. App. 3d 855, the Illinois Appellate Court, Fourth District, ruled that Public Act 89-688 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and is therefore unconstitutional in its entirety.

(3) The provisions added and deleted from Section 3-8-7 of the Unified Code of Corrections by Public Act 89-688 are of vital concern to the people of this State. Prompt legislative action concerning those provisions is necessary.

(b) It is the purpose of this Act to re-enact Section 3-8-7 of the Unified Code of Corrections, including the provisions added and deleted by Public Act 89-688. This re-enactment is intended to remove any question as to the validity or content of those provisions; it is not intended to supersede any other Public Act that amends the text of the Section as set forth in this Act. The re-enacted material is shown in this Act as existing text (i.e., without underscoring).

Section 5. The Unified Code of Corrections is amended by

re-enacting Section 3-8-7 as follows:

(730 ILCS 5/3-8-7) (from Ch. 38, par. 1003-8-7)

Sec. 3-8-7. Disciplinary Procedures.)

(a) All disciplinary action shall be consistent with this Chapter. Rules of behavior and conduct, the penalties for violation thereof, and the disciplinary procedure by which such penalties may be imposed shall be available to committed persons.

(b) (1) Corporal punishment and disciplinary restrictions on diet, medical or sanitary facilities, mail or access to legal materials are prohibited.

(2) (Blank).

(3) (Blank).

(c) Review of disciplinary action imposed under this Section shall be provided by means of the grievance procedure under Section 3-8-8. The Department shall provide a disciplined person with a review of his or her disciplinary action in a timely manner as required by law.

(d) All institutions and facilities of the Adult Division shall establish, subject to the approval of the Director, procedures for hearing disciplinary cases except those that may involve the imposition of disciplinary segregation and isolation; the loss of good time credit under Section 3-6-3 or eligibility to earn good time credit.

(e) In disciplinary cases which may involve the imposition of disciplinary segregation and isolation, the loss of good time credit or eligibility to earn good time credit, the Director shall establish disciplinary procedures consistent with the following principles:

(1) Any person or persons who initiate a disciplinary charge against a person shall not determine the disposition of the charge. The Director may establish one or more disciplinary boards to hear and

determine charges.

(2) Any committed person charged with a violation of Department rules of behavior shall be given notice of the charge including a statement of the misconduct alleged and of the rules this conduct is alleged to violate.

(3) Any person charged with a violation of rules is entitled to a hearing on that charge at which time he shall have an opportunity to appear before and address the person or persons deciding the charge.

(4) The person or persons determining the disposition of the charge may also summon to testify any witnesses or other persons with relevant knowledge of the incident.

(5) If the charge is sustained, the person charged is entitled to a written statement of the decision by the persons determining the disposition of the charge which shall include the basis for the decision and the disciplinary action, if any, to be imposed.

(6) (Blank).

(Source: P.A. 89-688, eff. 6-1-97.)

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