

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3713

Introduced 2/18/2025, by Rep. Laura Faver Dias

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-7-2

from Ch. 38, par. 1003-7-2

Amends the Unified Code of Corrections. Provides that all institutions and facilities of the Department of Corrections shall permit every committed person to receive the original, physical copy of any mail addressed to the committed person that the committed person is entitled and allowed to receive. Provides that any exceptions to the requirements of this provision must be based on evidence that complying with the requirements of this provision present a clear and present danger to the health and safety of the correctional employees or committed persons in the correctional institution or facility. Provides that the evidence must include evidence of contraband being sent through the mail, data on the number of mail items containing contraband, test results of mail tested due to suspicion of mail containing drugs, data on where inside a correctional institution or facility contraband has been found, and the method of entry of contraband into the correctional institution or facility. Provides that the evidence must be made available to the public upon request. Provides that no committed person shall be denied, or have communications limited, with an outside support person, whether by phone, mail, video, or in person visitation, as a result of a disciplinary sanction or grade level of the infraction. Provides that committed persons may contact outside supports via phone, mail, or electronic message free of charge. Defines "original, physical copy".

LRB104 06497 RLC 16533 b

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 3-7-2 as follows:

6 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

7 Sec. 3-7-2. Facilities.

8 (a) All institutions and facilities of the Department
9 shall provide every committed person with access to toilet
10 facilities, barber facilities, bathing facilities at least
11 once each week, a library of legal materials and published
12 materials including newspapers and magazines approved by the
13 Director. A committed person may not receive any materials
14 that the Director deems pornographic.

15 (b) (Blank).

16 (c) All institutions and facilities of the Department
17 shall provide facilities for every committed person to leave
18 his cell for at least one hour each day unless the chief
19 administrative officer determines that it would be harmful or
20 dangerous to the security or safety of the institution or
21 facility.

22 (d) All institutions and facilities of the Department
23 shall provide every committed person with a wholesome and

1 nutritional diet at regularly scheduled hours, drinking water,
2 clothing adequate for the season, including underwear,
3 bedding, soap, ~~and~~ towels, and medical and dental care.
4 Underwear provided to each committed person in all
5 institutions and facilities of the Department shall be free of
6 charge and shall be provided at any time upon request,
7 including multiple requests, of the committed person or as
8 needed by the committed person.

9 (e) All institutions and facilities of the Department
10 shall permit every committed person to send and receive an
11 unlimited number of uncensored letters, provided, however,
12 that the Director may order that mail be inspected and read for
13 reasons of the security, safety, or morale of the institution
14 or facility.

15 (e-1) (1) All institutions and facilities of the Department
16 shall permit every committed person to receive the original,
17 physical copy of any mail addressed to the committed person
18 that the committed person is entitled and allowed to receive.

19 (2) Any exceptions to the requirements of this subsection
20 must be based on evidence that complying with the requirements
21 of this subsection present a clear and present danger to the
22 health and safety of the correctional employees or committed
23 persons in the correctional institution or facility. The
24 evidence must include evidence of contraband being sent
25 through the mail, data on the number of mail items containing
26 contraband, test results of mail tested due to suspicion of

1 mail containing drugs, data on where inside a correctional
2 institution or facility contraband has been found, and the
3 method of entry of contraband into the correctional
4 institution or facility. The evidence must be made available
5 to the public upon request.

6 (3) No committed person shall be denied, or have
7 communications limited, with an outside support person,
8 whether by phone, mail, video, or in person visitation, as a
9 result of a disciplinary sanction or grade level of the
10 infraction.

11 (4) In this subsection (e-1), "original, physical copy"
12 means a letter, card, or other document delivered to the
13 correctional institution or facility by the United States
14 Postal Service or other delivery service. "Original, physical
15 copy" does not include mail that is scanned, photocopied, or
16 otherwise duplicated by the correctional institution or
17 facility or any entity contracted by the correctional
18 institution or facility to provide such a service.

19 (e-2) Committed persons may contact outside supports via
20 phone, mail, or electronic message free of charge.

21 (f) All of the institutions and facilities of the
22 Department shall permit every committed person to receive
23 in-person visitors and video contact, if available, except in
24 case of abuse of the visiting privilege or when the chief
25 administrative officer determines that such visiting would be
26 harmful or dangerous to the security, safety or morale of the

1 institution or facility. Each committed person is entitled to
2 7 visits per month. Every committed person may submit a list of
3 at least 30 persons to the Department that are authorized to
4 visit the committed person. The list shall be kept in an
5 electronic format by the Department beginning on August 1,
6 2019, as well as available in paper form for Department
7 employees. The chief administrative officer shall have the
8 right to restrict visitation to non-contact visits, video, or
9 other forms of non-contact visits for reasons of safety,
10 security, and order, including, but not limited to,
11 restricting contact visits for committed persons engaged in
12 gang activity. No committed person in a super maximum security
13 facility or on disciplinary segregation is allowed contact
14 visits. Any committed person found in possession of illegal
15 drugs or who fails a drug test shall not be permitted contact
16 visits for a period of at least 6 months. Any committed person
17 involved in gang activities or found guilty of assault
18 committed against a Department employee shall not be permitted
19 contact visits for a period of at least 6 months. The
20 Department shall offer every visitor appropriate written
21 information concerning HIV and AIDS, including information
22 concerning how to contact the Illinois Department of Public
23 Health for counseling information. The Department shall
24 develop the written materials in consultation with the
25 Department of Public Health. The Department shall ensure that
26 all such information and materials are culturally sensitive

1 and reflect cultural diversity as appropriate. Implementation
2 of the changes made to this Section by Public Act 94-629 is
3 subject to appropriation. The Department shall seek the lowest
4 possible cost to provide video calling and shall charge to the
5 extent of recovering any demonstrated costs of providing video
6 calling. The Department shall not make a commission or profit
7 from video calling services. Nothing in this Section shall be
8 construed to permit video calling instead of in-person
9 visitation.

10 (f-5) (Blank).

11 (f-10) The Department may not restrict or limit in-person
12 visits to committed persons due to the availability of
13 interactive video conferences.

14 (f-15) (1) The Department shall issue a standard written
15 policy for each institution and facility of the Department
16 that provides for:

17 (A) the number of in-person visits each committed
18 person is entitled to per week and per month including the
19 requirements of subsection (f) of this Section;

20 (B) the hours of in-person visits;

21 (C) the type of identification required for visitors
22 at least 18 years of age; and

23 (D) the type of identification, if any, required for
24 visitors under 18 years of age.

25 (2) This policy shall be posted on the Department website
26 and at each facility.

1 (3) The Department shall post on its website daily any
2 restrictions or denials of visitation for that day and the
3 succeeding 5 calendar days, including those based on a
4 lockdown of the facility, to inform family members and other
5 visitors.

6 (g) All institutions and facilities of the Department
7 shall permit religious ministrations and sacraments to be
8 available to every committed person, but attendance at
9 religious services shall not be required. This subsection (g)
10 is subject to the provisions of the Faith Behind Bars Act.

11 (h) Within 90 days after December 31, 1996, the Department
12 shall prohibit the use of curtains, cell-coverings, or any
13 other matter or object that obstructs or otherwise impairs the
14 line of vision into a committed person's cell.

15 (i) A point of contact person appointed under subsection
16 (u-6) of Section 3-2-2 of this Code shall promptly and
17 efficiently review suggestions, complaints, and other requests
18 made by visitors to institutions and facilities of the
19 Department and by other members of the public. Based on the
20 nature of the submission, the point of contact person shall
21 communicate with the appropriate division of the Department,
22 disseminate the concern or complaint, and act as liaison
23 between the parties to reach a resolution.

24 (1) The point of contact person shall maintain
25 information about the subject matter of each
26 correspondence, including, but not limited to, information

1 about the following subjects:

2 (A) the parties making the submission;

3 (B) any commissary-related concerns;

4 (C) any concerns about the institution or
5 facility's COVID-19 ~~COVID~~ protocols and mitigations;

6 (D) any concerns about mail, video, or electronic
7 messages or other communications with incarcerated
8 persons;

9 (E) any concerns about the institution or
10 facility;

11 (F) any discipline-related concerns;

12 (G) any concerns about earned sentencing credits;

13 (H) any concerns about educational opportunities
14 for incarcerated persons;

15 (I) any concerns about health-related matters;

16 (J) any mental health concerns;

17 (K) any concerns about personal property;

18 (L) any concerns about the records of the
19 incarcerated person;

20 (M) any concerns about recreational opportunities
21 for incarcerated persons;

22 (N) any staffing-related concerns;

23 (O) any concerns about the transfer of individuals
24 in custody;

25 (P) any concerns about visitation; and

26 (Q) any concerns about work opportunities for

1 incarcerated persons.

2 The information shall be maintained in accordance with
3 standards set by the Department of Corrections, and shall
4 be made available to the Department's Planning and
5 Research Division. The point of contact person shall
6 provide a summary of the results of the review, including
7 any resolution or recommendations made as a result of
8 correspondence with the Planning and Research Division of
9 the Department.

10 (2) The Department shall provide an annual written
11 report to the General Assembly and the Governor, with the
12 first report due no later than January 1, 2023, and
13 publish the report on its website within 48 hours after
14 the report is transmitted to the Governor and the General
15 Assembly. The report shall include a summary of activities
16 undertaken and completed as a result of submissions to the
17 point of contact person. The Department of Corrections
18 shall collect and report the following aggregated and
19 disaggregated data for each institution and facility and
20 describe:

21 (A) the work of the point of contact person;

22 (B) the general nature of suggestions, complaints,
23 and other requests submitted to the point of contact
24 person;

25 (C) the volume of emails, calls, letters, and
26 other correspondence received by the point of contact

1 person;

2 (D) the resolutions reached or recommendations
3 made as a result of the point of contact person's
4 review;

5 (E) whether, if an investigation is recommended, a
6 report of the complaint was forwarded to the Chief
7 Inspector of the Department or other Department
8 employee, and the resolution of the complaint, and if
9 the investigation has not concluded, a detailed status
10 report on the complaint; and

11 (F) any recommendations that the point of contact
12 person has relating to systemic issues in the
13 Department of Corrections, and any other matters for
14 consideration by the General Assembly and the
15 Governor.

16 The name, address, or other personally identifiable
17 information of a person who files a complaint, suggestion,
18 or other request with the point of contact person, and
19 confidential records shall be redacted from the annual
20 report and are not subject to disclosure under the Freedom
21 of Information Act. The Department shall disclose the
22 records only if required by a court order on a showing of
23 good cause.

24 (3) The Department must post in a conspicuous place in
25 the waiting area of every facility or institution a sign
26 that contains in bold, black type the following:

1 (A) a short statement notifying visitors of the
2 point of contact person and that person's duty to
3 receive suggestions, complaints, or other requests;
4 and

5 (B) information on how to submit suggestions,
6 complaints, or other requests to the point of contact
7 person.

8 (j) Menstrual hygiene products shall be available, as
9 needed, free of charge, at all institutions and facilities of
10 the Department for all committed persons who menstruate. In
11 this subsection (j), "menstrual hygiene products" means
12 tampons and sanitary napkins for use in connection with the
13 menstrual cycle.

14 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;
15 103-154, eff. 6-30-23; 103-331, eff. 1-1-24; revised 7-22-24.)