



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4708

by Rep. Tracy Katz Muhl

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-2

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall create and implement, on January 1, 2027, a pilot program to establish the effectiveness of long-acting injectable medications for opioid use disorders for persons committed to its custody who suffer from opioid use disorders. Provides that the pilot program shall require long-acting injectable medications for opioid use disorders to be used in at least one Department of Corrections facility. Provides that the Director may expand the pilot program to include an additional facility or facilities as he or she deems appropriate. Provides that a minimum of 4,000 administrations of long-acting injectable medications for opioid use disorders shall be included in the pilot program. Provides that the Department shall develop a plan to facilitate access to continued treatment for opioid use disorders in the community following the release of a person participating in the pilot program, including, but not limited to, a referral to a harm reduction provider. Provides that the Department must report to the General Assembly on the effectiveness of the program by January 1, 2028. Effective immediately.

LRB104 20431 RLC 33895 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 3-2-2 as follows:

6 (730 ILCS 5/3-2-2)

7 Sec. 3-2-2. Powers and duties of the Department.

8 (1) In addition to the powers, duties, and
9 responsibilities which are otherwise provided by law, the
10 Department shall have the following powers:

11 (a) To accept persons committed to it by the courts of
12 this State for care, custody, treatment, and
13 rehabilitation, and to accept federal prisoners and
14 noncitizens over whom the Office of the Federal Detention
15 Trustee is authorized to exercise the federal detention
16 function for limited purposes and periods of time.

17 (b) To develop and maintain reception and evaluation
18 units for purposes of analyzing the custody and
19 rehabilitation needs of persons committed to it and to
20 assign such persons to institutions and programs under its
21 control or transfer them to other appropriate agencies. In
22 consultation with the Department of Alcoholism and
23 Substance Abuse (now the Department of Human Services),

1 the Department of Corrections shall develop a master plan
2 for the screening and evaluation of persons committed to
3 its custody who have alcohol or drug abuse problems, and
4 for making appropriate treatment available to such
5 persons; the Department shall report to the General
6 Assembly on such plan not later than April 1, 1987. The
7 maintenance and implementation of such plan shall be
8 contingent upon the availability of funds.

9 (b-1) To create and implement, on January 1, 2002, a
10 pilot program to establish the effectiveness of
11 pupillometer technology (the measurement of the pupil's
12 reaction to light) as an alternative to a urine test for
13 purposes of screening and evaluating persons committed to
14 its custody who have alcohol or drug problems. The pilot
15 program shall require the pupillometer technology to be
16 used in at least one Department of Corrections facility.
17 The Director may expand the pilot program to include an
18 additional facility or facilities as he or she deems
19 appropriate. A minimum of 4,000 tests shall be included in
20 the pilot program. The Department must report to the
21 General Assembly on the effectiveness of the program by
22 January 1, 2003.

23 (b-5) To develop, in consultation with the Illinois
24 State Police, a program for tracking and evaluating each
25 inmate from commitment through release for recording his
26 or her gang affiliations, activities, or ranks.

1 (b-10) To create and implement, on January 1, 2027, a
2 pilot program to establish the effectiveness of
3 long-acting injectable medications for opioid use
4 disorders for persons committed to its custody who suffer
5 from opioid use disorders. The pilot program shall require
6 long-acting injectable medications for opioid use
7 disorders to be used in at least one Department of
8 Corrections facility. The Director may expand the pilot
9 program to include an additional facility or facilities as
10 he or she deems appropriate. A minimum of 4,000
11 administrations of long-acting injectable medications for
12 opioid use disorders shall be included in the pilot
13 program. The Department shall develop a plan to facilitate
14 access to continued treatment for opioid use disorders in
15 the community following the release of a person
16 participating in the pilot program, including, but not
17 limited to, a referral to a harm reduction provider. The
18 Department must report to the General Assembly on the
19 effectiveness of the program by January 1, 2028.

20 (c) To maintain and administer all State correctional
21 institutions and facilities under its control and to
22 establish new ones as needed. Pursuant to its power to
23 establish new institutions and facilities, the Department
24 may, with the written approval of the Governor, authorize
25 the Department of Central Management Services to enter
26 into an agreement of the type described in subsection (d)

1 of Section 405-300 of the Department of Central Management
2 Services Law. The Department shall designate those
3 institutions which shall constitute the State Penitentiary
4 System. The Department of Juvenile Justice shall maintain
5 and administer all State youth centers pursuant to
6 subsection (d) of Section 3-2.5-20.

7 Pursuant to its power to establish new institutions
8 and facilities, the Department may authorize the
9 Department of Central Management Services to accept bids
10 from counties and municipalities for the construction,
11 remodeling, or conversion of a structure to be leased to
12 the Department of Corrections for the purposes of its
13 serving as a correctional institution or facility. Such
14 construction, remodeling, or conversion may be financed
15 with revenue bonds issued pursuant to the Industrial
16 Building Revenue Bond Act by the municipality or county.
17 The lease specified in a bid shall be for a term of not
18 less than the time needed to retire any revenue bonds used
19 to finance the project, but not to exceed 40 years. The
20 lease may grant to the State the option to purchase the
21 structure outright.

22 Upon receipt of the bids, the Department may certify
23 one or more of the bids and shall submit any such bids to
24 the General Assembly for approval. Upon approval of a bid
25 by a constitutional majority of both houses of the General
26 Assembly, pursuant to joint resolution, the Department of

1 Central Management Services may enter into an agreement
2 with the county or municipality pursuant to such bid.

3 (c-5) To build and maintain regional juvenile
4 detention centers and to charge a per diem to the counties
5 as established by the Department to defray the costs of
6 housing each minor in a center. In this subsection (c-5),
7 "juvenile detention center" means a facility to house
8 minors during pendency of trial who have been transferred
9 from proceedings under the Juvenile Court Act of 1987 to
10 prosecutions under the criminal laws of this State in
11 accordance with Section 5-805 of the Juvenile Court Act of
12 1987, whether the transfer was by operation of law or
13 permissive under that Section. The Department shall
14 designate the counties to be served by each regional
15 juvenile detention center.

16 (d) To develop and maintain programs of control,
17 rehabilitation, and employment of committed persons within
18 its institutions.

19 (d-5) To provide a pre-release job preparation program
20 for inmates at Illinois adult correctional centers.

21 (d-10) To provide educational and visitation
22 opportunities to committed persons within its institutions
23 through temporary access to content-controlled tablets
24 that may be provided as a privilege to committed persons
25 to induce or reward compliance.

26 (e) To establish a system of supervision and guidance

1 of committed persons in the community.

2 (f) To establish in cooperation with the Department of
3 Transportation to supply a sufficient number of prisoners
4 for use by the Department of Transportation to clean up
5 the trash and garbage along State, county, township, or
6 municipal highways as designated by the Department of
7 Transportation. The Department of Corrections, at the
8 request of the Department of Transportation, shall furnish
9 such prisoners at least annually for a period to be agreed
10 upon between the Director of Corrections and the Secretary
11 of Transportation. The prisoners used on this program
12 shall be selected by the Director of Corrections on
13 whatever basis he deems proper in consideration of their
14 term, behavior and earned eligibility to participate in
15 such program - where they will be outside of the prison
16 facility but still in the custody of the Department of
17 Corrections. Prisoners convicted of first degree murder,
18 or a Class X felony, or armed violence, or aggravated
19 kidnapping, or criminal sexual assault, aggravated
20 criminal sexual abuse or a subsequent conviction for
21 criminal sexual abuse, or forcible detention, or arson, or
22 a prisoner adjudged a Habitual Criminal shall not be
23 eligible for selection to participate in such program. The
24 prisoners shall remain as prisoners in the custody of the
25 Department of Corrections and such Department shall
26 furnish whatever security is necessary. The Department of

1 Transportation shall furnish trucks and equipment for the
2 highway cleanup program and personnel to supervise and
3 direct the program. Neither the Department of Corrections
4 nor the Department of Transportation shall replace any
5 regular employee with a prisoner.

6 (g) To maintain records of persons committed to it and
7 to establish programs of research, statistics, and
8 planning.

9 (h) To investigate the grievances of any person
10 committed to the Department and to inquire into any
11 alleged misconduct by employees or committed persons; and
12 for these purposes it may issue subpoenas and compel the
13 attendance of witnesses and the production of writings and
14 papers, and may examine under oath any witnesses who may
15 appear before it; to also investigate alleged violations
16 of a parolee's or releasee's conditions of parole or
17 release; and for this purpose it may issue subpoenas and
18 compel the attendance of witnesses and the production of
19 documents only if there is reason to believe that such
20 procedures would provide evidence that such violations
21 have occurred.

22 If any person fails to obey a subpoena issued under
23 this subsection, the Director may apply to any circuit
24 court to secure compliance with the subpoena. The failure
25 to comply with the order of the court issued in response
26 thereto shall be punishable as contempt of court.

1 (i) To appoint and remove the chief administrative
2 officers, and administer programs of training and
3 development of personnel of the Department. Personnel
4 assigned by the Department to be responsible for the
5 custody and control of committed persons or to investigate
6 the alleged misconduct of committed persons or employees
7 or alleged violations of a parolee's or releasee's
8 conditions of parole shall be conservators of the peace
9 for those purposes, and shall have the full power of peace
10 officers outside of the facilities of the Department in
11 the protection, arrest, retaking, and reconfining of
12 committed persons or where the exercise of such power is
13 necessary to the investigation of such misconduct or
14 violations. This subsection shall not apply to persons
15 committed to the Department of Juvenile Justice under the
16 Juvenile Court Act of 1987 on aftercare release.

17 (j) To cooperate with other departments and agencies
18 and with local communities for the development of
19 standards and programs for better correctional services in
20 this State.

21 (k) To administer all moneys and properties of the
22 Department.

23 (l) To report annually to the Governor on the
24 committed persons, institutions, and programs of the
25 Department.

26 (1-5) (Blank).

1 (m) To make all rules and regulations and exercise all
2 powers and duties vested by law in the Department.

3 (n) To establish rules and regulations for
4 administering a system of sentence credits, established in
5 accordance with Section 3-6-3, subject to review by the
6 Prisoner Review Board.

7 (o) To administer the distribution of funds from the
8 State Treasury to reimburse counties where State penal
9 institutions are located for the payment of assistant
10 state's attorneys' salaries under Section 4-2001 of the
11 Counties Code.

12 (p) To exchange information with the Department of
13 Human Services and the Department of Healthcare and Family
14 Services for the purpose of verifying living arrangements
15 and for other purposes directly connected with the
16 administration of this Code and the Illinois Public Aid
17 Code.

18 (q) To establish a diversion program.

19 The program shall provide a structured environment for
20 selected technical parole or mandatory supervised release
21 violators and committed persons who have violated the
22 rules governing their conduct while in work release. This
23 program shall not apply to those persons who have
24 committed a new offense while serving on parole or
25 mandatory supervised release or while committed to work
26 release.

1 Elements of the program shall include, but shall not
2 be limited to, the following:

3 (1) The staff of a diversion facility shall
4 provide supervision in accordance with required
5 objectives set by the facility.

6 (2) Participants shall be required to maintain
7 employment.

8 (3) Each participant shall pay for room and board
9 at the facility on a sliding-scale basis according to
10 the participant's income.

11 (4) Each participant shall:

12 (A) provide restitution to victims in
13 accordance with any court order;

14 (B) provide financial support to his
15 dependents; and

16 (C) make appropriate payments toward any other
17 court-ordered obligations.

18 (5) Each participant shall complete community
19 service in addition to employment.

20 (6) Participants shall take part in such
21 counseling, educational, and other programs as the
22 Department may deem appropriate.

23 (7) Participants shall submit to drug and alcohol
24 screening.

25 (8) The Department shall promulgate rules
26 governing the administration of the program.

1 (r) To enter into intergovernmental cooperation
2 agreements under which persons in the custody of the
3 Department may participate in a county impact
4 incarceration program established under Section 3-6038 or
5 3-15003.5 of the Counties Code.

6 (r-5) (Blank).

7 (r-10) To systematically and routinely identify with
8 respect to each streetgang active within the correctional
9 system: (1) each active gang; (2) every existing
10 inter-gang affiliation or alliance; and (3) the current
11 leaders in each gang. The Department shall promptly
12 segregate leaders from inmates who belong to their gangs
13 and allied gangs. "Segregate" means no physical contact
14 and, to the extent possible under the conditions and space
15 available at the correctional facility, prohibition of
16 visual and sound communication. For the purposes of this
17 paragraph (r-10), "leaders" means persons who:

18 (i) are members of a criminal streetgang;

19 (ii) with respect to other individuals within the
20 streetgang, occupy a position of organizer,
21 supervisor, or other position of management or
22 leadership; and

23 (iii) are actively and personally engaged in
24 directing, ordering, authorizing, or requesting
25 commission of criminal acts by others, which are
26 punishable as a felony, in furtherance of streetgang

1 related activity both within and outside of the
2 Department of Corrections.

3 "Streetgang", "gang", and "streetgang related" have the
4 meanings ascribed to them in Section 10 of the Illinois
5 Streetgang Terrorism Omnibus Prevention Act.

6 (s) To operate a super-maximum security institution,
7 in order to manage and supervise inmates who are
8 disruptive or dangerous and provide for the safety and
9 security of the staff and the other inmates.

10 (t) To monitor any unprivileged conversation or any
11 unprivileged communication, whether in person or by mail,
12 telephone, or other means, between an inmate who, before
13 commitment to the Department, was a member of an organized
14 gang and any other person without the need to show cause or
15 satisfy any other requirement of law before beginning the
16 monitoring, except as constitutionally required. The
17 monitoring may be by video, voice, or other method of
18 recording or by any other means. As used in this
19 subdivision (1)(t), "organized gang" has the meaning
20 ascribed to it in Section 10 of the Illinois Streetgang
21 Terrorism Omnibus Prevention Act.

22 As used in this subdivision (1)(t), "unprivileged
23 conversation" or "unprivileged communication" means a
24 conversation or communication that is not protected by any
25 privilege recognized by law or by decision, rule, or order
26 of the Illinois Supreme Court.

1 (u) To establish a Women's and Children's Pre-release
2 Community Supervision Program for the purpose of providing
3 housing and services to eligible female inmates, as
4 determined by the Department, and their newborn and young
5 children.

6 (u-5) To issue an order, whenever a person committed
7 to the Department absconds or absents himself or herself,
8 without authority to do so, from any facility or program
9 to which he or she is assigned. The order shall be
10 certified by the Director, the Supervisor of the
11 Apprehension Unit, or any person duly designated by the
12 Director, with the seal of the Department affixed. The
13 order shall be directed to all sheriffs, coroners, and
14 police officers, or to any particular person named in the
15 order. Any order issued pursuant to this subdivision
16 (1)(u-5) shall be sufficient warrant for the officer or
17 person named in the order to arrest and deliver the
18 committed person to the proper correctional officials and
19 shall be executed the same as criminal process.

20 (u-6) To appoint a point of contact person who shall
21 receive suggestions, complaints, or other requests to the
22 Department from visitors to Department institutions or
23 facilities and from other members of the public.

24 (u-7) To collaborate with the Department of Human
25 Services and other State agencies to develop and implement
26 screening and follow-up protocols for intake and reentry

1 personnel and contractors on identification and response
2 to Department-involved individuals who demonstrate
3 indications of past labor or sex trafficking
4 victimization, criminal sexual exploitation or a history
5 of involvement in the sex trade that may put them at risk
6 of human trafficking. Protocols should include assessment
7 and provision of pre-release and post-release housing,
8 legal, medical, mental health and substance-use disorder
9 treatment services and recognize the specialized needs of
10 victims of human trafficking.

11 (u-8) To provide statewide training for Department of
12 Corrections intake and reentry personnel and contractors
13 on identification and response to Department-involved
14 individuals who demonstrate indications of past
15 trafficking victimization or child sexual exploitation
16 that put them at risk of human trafficking.

17 (u-9) To offer access to specialized services for
18 Department-involved individuals within the care that
19 demonstrate indications of past trafficking victimization
20 or child sexual exploitation that put them at risk of
21 trafficking. As used in this subsection, "specialized
22 services" means substance use ~~substance use~~ disorder,
23 mental health, medical, case-management, housing, and
24 other support services by Department employees or
25 contractors who have completed victim-centered,
26 trauma-informed training specifically designed to address

1 the complex psychological ~~and~~ or physical needs of victims
2 of human trafficking, sexual exploitation, or a history of
3 involvement with the sex trade.

4 (v) To do all other acts necessary to carry out the
5 provisions of this Chapter.

6 (2) The Department of Corrections shall by January 1,
7 1998, consider building and operating a correctional facility
8 within 100 miles of a county of over 2,000,000 inhabitants,
9 especially a facility designed to house juvenile participants
10 in the impact incarceration program.

11 (3) When the Department lets bids for contracts for
12 medical services to be provided to persons committed to
13 Department facilities by a health maintenance organization,
14 medical service corporation, or other health care provider,
15 the bid may only be let to a health care provider that has
16 obtained an irrevocable letter of credit or performance bond
17 issued by a company whose bonds have an investment grade or
18 higher rating by a bond rating organization.

19 (3.5) If the Department has a contract with a pharmacy
20 benefit manager or a contract with an insurance company,
21 health maintenance organization, limited health service
22 organization, administrative services organization, or any
23 other managed care entity or health insurance issuer where a
24 pharmacy benefit manager administers the provider's coverage
25 of, payment for, or formulary design for drugs necessary to
26 safeguard the minor's life or health, the contract with the

1 pharmacy benefit manager and the pharmacy benefit manager's
2 activities shall be subject to Article XXXIIB of the Illinois
3 Insurance Code and the authority of the Director of Insurance
4 to enforce those provisions. The provider shall have all the
5 rights of a plan sponsor under those provisions.

6 (4) When the Department lets bids for contracts for food
7 or commissary services to be provided to Department
8 facilities, the bid may only be let to a food or commissary
9 services provider that has obtained an irrevocable letter of
10 credit or performance bond issued by a company whose bonds
11 have an investment grade or higher rating by a bond rating
12 organization.

13 (5) On and after the date 6 months after August 16, 2013
14 (the effective date of Public Act 98-488), as provided in the
15 Executive Order 1 (2012) Implementation Act, all of the
16 powers, duties, rights, and responsibilities related to State
17 healthcare purchasing under this Code that were transferred
18 from the Department of Corrections to the Department of
19 Healthcare and Family Services by Executive Order 3 (2005) are
20 transferred back to the Department of Corrections; however,
21 powers, duties, rights, and responsibilities related to State
22 healthcare purchasing under this Code that were exercised by
23 the Department of Corrections before the effective date of
24 Executive Order 3 (2005) but that pertain to individuals
25 resident in facilities operated by the Department of Juvenile
26 Justice are transferred to the Department of Juvenile Justice.

1 (6) The Department of Corrections shall provide lactation
2 or nursing mothers rooms for personnel of the Department. The
3 rooms shall be provided in each facility of the Department
4 that employs nursing mothers. Each individual lactation room
5 must:

6 (i) contain doors that lock;

7 (ii) have an "Occupied" sign for each door;

8 (iii) contain electrical outlets for plugging in
9 breast pumps;

10 (iv) have sufficient lighting and ventilation;

11 (v) contain comfortable chairs;

12 (vi) contain a countertop or table for all necessary
13 supplies for lactation;

14 (vii) contain a wastebasket and chemical cleaners to
15 wash one's hands and to clean the surfaces of the
16 countertop or table;

17 (viii) have a functional sink;

18 (ix) have a minimum of one refrigerator for storage of
19 the breast milk; and

20 (x) receive routine daily maintenance.

21 (Source: P.A. 103-834, eff. 1-1-25; 104-27, eff. 1-1-26;
22 104-159, eff. 1-1-26; revised 11-21-25.)

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