



Rep. Tracy Katz Muhl

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LRB104 20431 RLC 35731 a

1 AMENDMENT TO HOUSE BILL 4708

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4708 by replacing  
3 everything after the enacting clause with the following:

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.

1 (b) To develop and maintain reception and evaluation  
2 units for purposes of analyzing the custody and  
3 rehabilitation needs of persons committed to it and to  
4 assign such persons to institutions and programs under its  
5 control or transfer them to other appropriate agencies. In  
6 consultation with the Department of Alcoholism and  
7 Substance Abuse (now the Department of Human Services),  
8 the Department of Corrections shall develop a master plan  
9 for the screening and evaluation of persons committed to  
10 its custody who have alcohol or drug abuse problems, and  
11 for making appropriate treatment available to such  
12 persons; the Department shall report to the General  
13 Assembly on such plan not later than April 1, 1987. The  
14 maintenance and implementation of such plan shall be  
15 contingent upon the availability of funds.

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

1 the pilot program. The Department must report to the  
2 General Assembly on the effectiveness of the program by  
3 January 1, 2003.

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

8 (b-10) To create and implement, on January 1, 2027, a  
9 pilot program to establish the effectiveness of  
10 long-acting injectable medications for opioid use  
11 disorders when clinically appropriate for persons  
12 committed to its custody who suffer from opioid use  
13 disorders.

14 The pilot program shall provide long-acting injectable  
15 medications for opioid use disorder, when clinically  
16 appropriate, to not fewer than 3,000 individuals in the  
17 custody of the Department and shall be implemented in at  
18 least one Department facility. The Director may expand the  
19 pilot program to include additional facilities and  
20 participants as he or she deems appropriate.

21 The Department shall design and operate the pilot  
22 program in accordance with established and nationally  
23 recognized clinical guidelines, protocols, and standards  
24 for the treatment of opioid use disorder using long-acting  
25 injectable medications.

26 The pilot program shall be funded using opioid

1       settlement funds allocated to the Department. The  
2       Department shall not commence implementation of the pilot  
3       program unless and until sufficient opioid settlement  
4       funds have been secured to fully implement the program and  
5       to ensure that individuals participating in the pilot  
6       program may receive the full course of treatment  
7       clinically indicated.

8       The Department shall ensure that, prior to the release  
9       of a person participating in the pilot program, the person  
10      is connected to an appropriate provider or treatment site  
11      in the geographic region in which the person will reside  
12      after release, that an appointment for continued treatment  
13      is scheduled with that provider or site, and that relevant  
14      medical and treatment information is shared with the  
15      receiving provider to support continuity of care.

16      The Department shall contract with an independent  
17      research organization, public university, or other  
18      qualified third-party evaluator to conduct an independent  
19      evaluation of the pilot program. The evaluation shall  
20      assess the effectiveness of the pilot program and shall  
21      include, at a minimum, analysis of the following metrics  
22      for individuals participating in the program:

23              (1) continuity of treatment for opioid use  
24              disorder during incarceration and following release;

25              (2) post-release connection to community-based  
26              treatment providers;

1           (3) rates of overdose, including fatal and  
2           nonfatal overdose, following release;

3           (4) rates of re-arrest, re-incarceration, or other  
4           recidivism outcomes;

5           (5) participant engagement with treatment and  
6           recovery services following release;

7           (6) institutional safety indicators within  
8           participating facilities; and

9           (7) the costs and cost-effectiveness of the pilot  
10           program.

11           The Department shall provide the evaluator with access  
12           to relevant program and administrative data necessary to  
13           complete the evaluation, subject to applicable privacy  
14           protections. The independent evaluator shall prepare a  
15           report summarizing the findings of the evaluation and  
16           shall submit the report to the Department and the General  
17           Assembly no later than January 1, 2029.

18           (c) To maintain and administer all State correctional  
19           institutions and facilities under its control and to  
20           establish new ones as needed. Pursuant to its power to  
21           establish new institutions and facilities, the Department  
22           may, with the written approval of the Governor, authorize  
23           the Department of Central Management Services to enter  
24           into an agreement of the type described in subsection (d)  
25           of Section 405-300 of the Department of Central Management  
26           Services Law. The Department shall designate those

1 institutions which shall constitute the State Penitentiary  
2 System. The Department of Juvenile Justice shall maintain  
3 and administer all State youth centers pursuant to  
4 subsection (d) of Section 3-2.5-20.

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

20 Upon receipt of the bids, the Department may certify  
21 one or more of the bids and shall submit any such bids to  
22 the General Assembly for approval. Upon approval of a bid  
23 by a constitutional majority of both houses of the General  
24 Assembly, pursuant to joint resolution, the Department of  
25 Central Management Services may enter into an agreement  
26 with the county or municipality pursuant to such bid.

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

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

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

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

24           (e) To establish a system of supervision and guidance  
25 of committed persons in the community.

26           (f) To establish in cooperation with the Department of

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

1 direct the program. Neither the Department of Corrections  
2 nor the Department of Transportation shall replace any  
3 regular employee with a prisoner.

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

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

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

25 (i) To appoint and remove the chief administrative  
26 officers, and administer programs of training and

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

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

19 (k) To administer all moneys and properties of the  
20 Department.

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

24 (l-5) (Blank).

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

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

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

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

16          (q) To establish a diversion program.

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

25          Elements of the program shall include, but shall not  
26 be limited to, the following:

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

4           (2) Participants shall be required to maintain  
5 employment.

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

9           (4) Each participant shall:

10           (A) provide restitution to victims in  
11 accordance with any court order;

12           (B) provide financial support to his  
13 dependents; and

14           (C) make appropriate payments toward any other  
15 court-ordered obligations.

16           (5) Each participant shall complete community  
17 service in addition to employment.

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

21           (7) Participants shall submit to drug and alcohol  
22 screening.

23           (8) The Department shall promulgate rules  
24 governing the administration of the program.

25           (r) To enter into intergovernmental cooperation  
26 agreements under which persons in the custody of the

1 Department may participate in a county impact  
2 incarceration program established under Section 3-6038 or  
3 3-15003.5 of the Counties Code.

4 (r-5) (Blank).

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

16 (i) are members of a criminal streetgang;

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

21 (iii) are actively and personally engaged in  
22 directing, ordering, authorizing, or requesting  
23 commission of criminal acts by others, which are  
24 punishable as a felony, in furtherance of streetgang  
25 related activity both within and outside of the  
26 Department of Corrections.

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

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

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

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

25 (u) To establish a Women's and Children's Pre-release  
26 Community Supervision Program for the purpose of providing

1 housing and services to eligible female inmates, as  
2 determined by the Department, and their newborn and young  
3 children.

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

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

22 (u-7) To collaborate with the Department of Human  
23 Services and other State agencies to develop and implement  
24 screening and follow-up protocols for intake and reentry  
25 personnel and contractors on identification and response  
26 to Department-involved individuals who demonstrate

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

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

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

1 involvement with the sex trade.

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

4 (2) The Department of Corrections shall by January 1,  
5 1998, consider building and operating a correctional facility  
6 within 100 miles of a county of over 2,000,000 inhabitants,  
7 especially a facility designed to house juvenile participants  
8 in the impact incarceration program.

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

17 (3.5) If the Department has a contract with a pharmacy  
18 benefit manager or a contract with an insurance company,  
19 health maintenance organization, limited health service  
20 organization, administrative services organization, or any  
21 other managed care entity or health insurance issuer where a  
22 pharmacy benefit manager administers the provider's coverage  
23 of, payment for, or formulary design for drugs necessary to  
24 safeguard the minor's life or health, the contract with the  
25 pharmacy benefit manager and the pharmacy benefit manager's  
26 activities shall be subject to Article XXXIIB of the Illinois

1 Insurance Code and the authority of the Director of Insurance  
2 to enforce those provisions. The provider shall have all the  
3 rights of a plan sponsor under those provisions.

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

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

25 (6) The Department of Corrections shall provide lactation  
26 or nursing mothers rooms for personnel of the Department. The

1 rooms shall be provided in each facility of the Department  
2 that employs nursing mothers. Each individual lactation room  
3 must:

4 (i) contain doors that lock;

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

6 (iii) contain electrical outlets for plugging in  
7 breast pumps;

8 (iv) have sufficient lighting and ventilation;

9 (v) contain comfortable chairs;

10 (vi) contain a countertop or table for all necessary  
11 supplies for lactation;

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

15 (viii) have a functional sink;

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

18 (x) receive routine daily maintenance.

19 (Source: P.A. 103-834, eff. 1-1-25; 104-27, eff. 1-1-26;  
20 104-159, eff. 1-1-26; revised 11-21-25.)".