



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5559

Introduced 2/13/2026, by Rep. Jed Davis

#### 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 send and receive all original physical mail (rather than an unlimited number of uncensored letters), but the Director may order that mail be inspected and read for reasons of the security, safety, or morale of the institution or facility. Provides that no institutions or facility of the Department shall deny the distribution of original physical mail to committed persons after such incoming mail has undergone inspection and it has been determined that the mail does not pose a threat to the security or safety of the facility, personnel of the Department, or committed persons. Provides that the Department shall collect evidence of original physical mail that is deemed to pose a threat to the safety or security of the facility or institution, personnel of the Department, or committed persons. Defines "original physical mail" and "threat to the security or safety".

LRB104 20737 RLC 34240 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, towels, and medical and dental care. Underwear  
4 provided to each committed person in all institutions and  
5 facilities of the Department shall be free of charge and shall  
6 be provided at any time upon request, including multiple  
7 requests, of the committed person or as needed by the  
8 committed person.

9 (e) All institutions and facilities of the Department  
10 shall permit every committed person to send and receive all  
11 original physical mail ~~an unlimited number of uncensored~~  
12 ~~letters~~, provided, however, that the Director may order that  
13 mail be inspected and read for reasons of the security,  
14 safety, or morale of the institution or facility. No  
15 institution or facility of the Department shall deny the  
16 distribution of original physical mail to committed persons  
17 after such incoming mail has undergone inspection and it has  
18 been determined that the mail does not pose a threat to the  
19 security or safety of the facility, personnel of the  
20 Department, or committed persons.

21 (e-1) Beginning July 1, 2027, the Department shall collect  
22 evidence of original physical mail that is deemed to pose a  
23 threat to the safety or security of the facility or  
24 institution, personnel of the Department, or committed persons  
25 as described in this Section and report such data on the  
26 Department's website including, but not limited to:

1           (1) the number of pieces of original physical mail  
2           that were deemed to pose a threat as described in this  
3           Section, reported by the facility;

4           (2) the type of threat posed as described in this  
5           Section; and

6           (3) the test type and results used on incoming mail  
7           due to suspicion of contents containing evidence of a  
8           hazardous or toxic substance, or contents that violate a  
9           State or federal law.

10          (e-2) The evidence required for paragraph (1) of  
11          subsection (k) to apply must be made publicly available on a  
12          quarterly basis and any changes or new policies created by the  
13          Department of Corrections regarding communications for persons  
14          who are incarcerated must be made publicly available on the  
15          Department's website prior to implementation.

16          (f) All of the institutions and facilities of the  
17          Department shall permit every committed person to receive  
18          in-person visitors and video contact, if available, except in  
19          case of abuse of the visiting privilege or when the chief  
20          administrative officer determines that such visiting would be  
21          harmful or dangerous to the security, safety or morale of the  
22          institution or facility. Each committed person is entitled to  
23          7 visits per month. Every committed person may submit a list of  
24          at least 30 persons to the Department that are authorized to  
25          visit the committed person. The list shall be kept in an  
26          electronic format by the Department beginning on August 1,

1 2019, as well as available in paper form for Department  
2 employees. The chief administrative officer shall have the  
3 right to restrict visitation to non-contact visits, video, or  
4 other forms of non-contact visits for reasons of safety,  
5 security, and order, including, but not limited to,  
6 restricting contact visits for committed persons engaged in  
7 gang activity. No committed person in a super maximum security  
8 facility or on disciplinary segregation is allowed contact  
9 visits. Any committed person found in possession of illegal  
10 drugs or who fails a drug test shall not be permitted contact  
11 visits for a period of at least 6 months. Any committed person  
12 involved in gang activities or found guilty of assault  
13 committed against a Department employee shall not be permitted  
14 contact visits for a period of at least 6 months. The  
15 Department shall offer every visitor appropriate written  
16 information concerning HIV and AIDS, including information  
17 concerning how to contact the Illinois Department of Public  
18 Health for counseling information. The Department shall  
19 develop the written materials in consultation with the  
20 Department of Public Health. The Department shall ensure that  
21 all such information and materials are culturally sensitive  
22 and reflect cultural diversity as appropriate. Implementation  
23 of the changes made to this Section by Public Act 94-629 is  
24 subject to appropriation. The Department shall seek the lowest  
25 possible cost to provide video calling and shall charge to the  
26 extent of recovering any demonstrated costs of providing video

1 calling. The Department shall not make a commission or profit  
2 from video calling services. Nothing in this Section shall be  
3 construed to permit video calling instead of in-person  
4 visitation.

5 (f-5) (Blank).

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

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

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

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

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

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

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

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

1 (g) All institutions and facilities of the Department  
2 shall permit religious ministrations and sacraments to be  
3 available to every committed person, but attendance at  
4 religious services shall not be required. This subsection (g)  
5 is subject to the provisions of the Faith Behind Bars Act.

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

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

19 (1) The point of contact person shall maintain  
20 information about the subject matter of each  
21 correspondence, including, but not limited to, information  
22 about the following subjects:

23 (A) the parties making the submission;

24 (B) any commissary-related concerns;

25 (C) any concerns about the institution or  
26 facility's COVID-19 protocols and mitigations;

1 (D) any concerns about mail, video, or electronic  
2 messages or other communications with incarcerated  
3 persons;

4 (E) any concerns about the institution or  
5 facility;

6 (F) any discipline-related concerns;

7 (G) any concerns about earned sentencing credits;

8 (H) any concerns about educational opportunities  
9 for incarcerated persons;

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

11 (J) any mental health concerns;

12 (K) any concerns about personal property;

13 (L) any concerns about the records of the  
14 incarcerated person;

15 (M) any concerns about recreational opportunities  
16 for incarcerated persons;

17 (N) any staffing-related concerns;

18 (O) any concerns about the transfer of individuals  
19 in custody;

20 (P) any concerns about visitation; and

21 (Q) any concerns about work opportunities for  
22 incarcerated persons.

23 The information shall be maintained in accordance with  
24 standards set by the Department of Corrections, and shall  
25 be made available to the Department's Planning and  
26 Research Division. The point of contact person shall

1 provide a summary of the results of the review, including  
2 any resolution or recommendations made as a result of  
3 correspondence with the Planning and Research Division of  
4 the Department.

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

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

17 (B) the general nature of suggestions, complaints,  
18 and other requests submitted to the point of contact  
19 person;

20 (C) the volume of emails, calls, letters, and  
21 other correspondence received by the point of contact  
22 person;

23 (D) the resolutions reached or recommendations  
24 made as a result of the point of contact person's  
25 review;

26 (E) whether, if an investigation is recommended, a

1 report of the complaint was forwarded to the Chief  
2 Inspector of the Department or other Department  
3 employee, and the resolution of the complaint, and if  
4 the investigation has not concluded, a detailed status  
5 report on the complaint; and

6 (F) any recommendations that the point of contact  
7 person has relating to systemic issues in the  
8 Department of Corrections, and any other matters for  
9 consideration by the General Assembly and the  
10 Governor.

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

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

22 (A) a short statement notifying visitors of the  
23 point of contact person and that person's duty to  
24 receive suggestions, complaints, or other requests;  
25 and

26 (B) information on how to submit suggestions,

1 complaints, or other requests to the point of contact  
2 person.

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

9 (k) In this Section:

10 "Original physical mail" means a letter, card, or other  
11 document delivered to the correctional institution or facility  
12 by the United States Postal Service or other delivery service.

13 "Original physical mail" does not include mail that is  
14 scanned, photocopied, or otherwise duplicated by the  
15 correctional institution or facility or any entity contracted  
16 by the correctional institution or facility to provide such a  
17 service.

18 "Threat to the security or safety" means any of the  
19 following:

20 (1) the original physical mail contains threats of  
21 physical harm against any person or threats of criminal  
22 activity;

23 (2) the original physical mail contains threats of  
24 blackmail or extortion;

25 (3) the original physical mail contains information  
26 regarding sending contraband into or out of the facility,

1 plans to escape, or plans to engage in criminal activity;

2 (4) the original physical mail is in code and its  
3 contents cannot be understood by correctional staff;

4 (5) the original physical mail violates any  
5 departmental rules or contains plans to engage in  
6 activities in violation of departmental or institutional  
7 rules;

8 (6) the original physical mail contains unauthorized  
9 correspondence with another person who is incarcerated;

10 (7) the original physical mail or contents thereof  
11 constitute a violation of State or federal law; or

12 (8) the original physical mail or contents contain  
13 evidence of a hazardous or toxic substance.

14 (Source: P.A. 103-154, eff. 6-30-23; 103-331, eff. 1-1-24;  
15 104-417, eff. 8-15-25.)